

MONDAY, APRIL 21, 2003
THIRTY-FIRST LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Rob McDonald, Chairman of the Governor's Prayer Breakfast in Nashville, Tennessee, a guest of Senator Henry.

PLEDGE OF ALLEGIANCE

Senator Henry led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Person as Speaker pro tempore.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 1539 -- Sunset Laws -- Board of standards, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 12, Chapter 3.

House Bill No. 1561 -- Election Laws -- Establishes requirements for registration forms and requests for applications for ballots to be valid forms. Amends TCA Title 2, Chapter 2 and Title 2, Chapter 6.

House Bill No. 1727 -- Securities -- Extends statute of limitations for securities fraud claims under Tennessee law from earlier of one year from date of discovery or two years from date of violation to earlier of two years from discovery or five years from violation. Amends TCA Title 48, Chapter 2, Part 1.

House Bill No. 2014 -- Education -- Provides for electronic dissemination of public chapters on education to LEAs. Amends TCA Section 49-1-201.

House Bill No. 2040 -- Health, Dept. of -- Permits any board, council, or committee governing health professions, medical laboratories, or alcohol or drug treatment facilities to impose additional sanction of paying actual and reasonable costs of investigation and prosecution of

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disciplinary contested case proceeding. Amends Tennessee Code Annotated, Title 63, Chapter 1, Part 1; Title 68, Chapter 24, Part 6; and Title 68, Chapter 29.

SENATE BILL ON SECOND CONSIDERATION

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee:

Senate Bill No. 2019 held on desk.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 300 by Senator Norris.
Memorials, Death -- Eldred Kirk Pope.

Senate Joint Resolution No. 301 by Senator Graves.
Memorials, Academic Achievement -- Will Borthick, Valedictorian, Springfield High School.

Senate Joint Resolution No. 302 by Mr. Speaker Wilder and Senator McNally.
Memorials, Personal Occasion -- Geneva Sue Reddick, 80th birthday.

Senate Resolution No. 38 by Senator Kurita.
Memorials, Personal Occasion -- Morris and Mildred Bidwell, 50th wedding anniversary.

Senate Resolution No. 39 by Senator Kurita.
Memorials, Academic Achievement -- Kelly Shelton, Salutatorian, Montgomery Central High School.

Senate Resolution No. 40 by Senator Kurita.
Memorials, Academic Achievement -- Laura Elizabeth Sikes, Valedictorian, Rossview High School.

Senate Resolution No. 41 by Senator Kurita.
Memorials, Academic Achievement -- Sheila Perolina Umayam, Salutatorian, Kenwood High School.

Senate Resolution No. 42 by Senator Kurita.
Memorials, Academic Achievement -- Charles Winters Bergen, Salutatorian, Rossview High School.

Senate Resolution No. 43 by Senator Williams.
Memorials, Death -- Thomas Ray Patton.

Senate Resolution No. 44 by Senator Williams.
Memorials, Death -- Ricky Lynn Brantley.

Senate Resolution No. 45 by Senator Norris.
Memorials, Personal Occasion -- William Armstrong, 95th birthday.

RESOLUTIONS LYING OVER

House Joint Resolution No. 337 -- Naming and Designating -- Ramp Festival Day, May 4, 2003.

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The Speaker announced that he had referred House Joint Resolution No. 337 to Committee on State and Local Government.

House Joint Resolution No. 342 -- Memorials, Academic Achievement -- Daniel J. Adler, Salutatorian, Munford High School.

The Speaker announced that he had referred House Joint Resolution No. 342 to Committee on Calendar.

House Joint Resolution No. 343 -- Memorials, Academic Achievement -- Jessica Robinson, Valedictorian, Munford High School.

The Speaker announced that he had referred House Joint Resolution No. 343 to Committee on Calendar.

House Joint Resolution No. 349 -- Memorials, Personal Achievement -- Braeden Kehoe, NJROTC graduation.

The Speaker announced that he had referred House Joint Resolution No. 349 to Committee on Calendar.

House Joint Resolution No. 350 -- Memorials, Personal Achievement -- Randi Skaggs, NJROTC graduation.

The Speaker announced that he had referred House Joint Resolution No. 350 to Committee on Calendar.

House Joint Resolution No. 351 -- Memorials, Personal Achievement -- Stephanie Thurman, NJROTC graduation.

The Speaker announced that he had referred House Joint Resolution No. 351 to Committee on Calendar.

House Joint Resolution No. 352 -- Memorials, Personal Achievement -- Antoine Parks, NJROTC graduation.

The Speaker announced that he had referred House Joint Resolution No. 352 to Committee on Calendar.

House Joint Resolution No. 353 -- Memorials, Personal Achievement -- Bryan Mohundro, NJROTC graduation.

The Speaker announced that he had referred House Joint Resolution No. 353 to Committee on Calendar.

House Joint Resolution No. 354 -- Memorials, Personal Achievement -- Breion Houston, NJROTC graduation.

The Speaker announced that he had referred House Joint Resolution No. 354 to Committee on Calendar.

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House Joint Resolution No. 355 -- Memorials, Personal Achievement -- Dustin Hickman, NJROTC graduation.

The Speaker announced that he had referred House Joint Resolution No. 355 to Committee on Calendar.

House Joint Resolution No. 356 -- Memorials, Academic Achievement -- Laura Kristen Smith, Salutatorian, Columbia Academy.

The Speaker announced that he had referred House Joint Resolution No. 356 to Committee on Calendar.

House Joint Resolution No. 357 -- Memorials, Academic Achievement -- Joshua Edward Michael, Valedictorian, Brighton High School.

The Speaker announced that he had referred House Joint Resolution No. 357 to Committee on Calendar.

House Joint Resolution No. 359 -- Memorials, Professional Achievement -- Connie M. Morris, Brown Elementary School Building Level Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 359 to Committee on Calendar.

House Joint Resolution No. 360 -- Memorials, Professional Achievement -- Sonya Cathey, E.A. Cox Elementary School Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 360 to Committee on Calendar.

House Joint Resolution No. 361 -- Memorials, Professional Achievement -- Armeia A. Cornelius, Highland Park School Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 361 to Committee on Calendar.

House Joint Resolution No. 362 -- Memorials, Professional Achievement -- Sharon Brown, Columbia Academy Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 362 to Committee on Calendar.

House Joint Resolution No. 363 -- Memorials, Professional Achievement -- Rebekah Spears, Columbia Academy Building Level Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 363 to Committee on Calendar.

House Joint Resolution No. 364 -- Memorials, Professional Achievement -- Ronnie J. Dugger, Mt. Pleasant High School Teacher of the Year.

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The Speaker announced that he had referred House Joint Resolution No. 364 to Committee on Calendar.

House Joint Resolution No. 365 -- Memorials, Professional Achievement -- D. Neil King, Mt. Pleasant Elementary Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 365 to Committee on Calendar.

House Joint Resolution No. 366 -- Memorials, Professional Achievement -- Veneeda D. Moore, Central High School Building Level and System Level Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 366 to Committee on Calendar.

House Joint Resolution No. 367 -- Memorials, Professional Achievement -- Daisy Wright, Spring Hill Elementary School Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 367 to Committee on Calendar.

House Joint Resolution No. 368 -- Memorials, Professional Achievement -- Melissa D. McClure, Mt. Pleasant Middle School Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 368 to Committee on Calendar.

House Joint Resolution No. 369 -- Memorials, Professional Achievement -- Jeffrey Rich, Spring Hill High School Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 369 to Committee on Calendar.

House Joint Resolution No. 370 -- Memorials, Professional Achievement -- Teresa V. Gilbreath, Whitthorne Middle School Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 370 to Committee on Calendar.

House Joint Resolution No. 371 -- Memorials, Professional Achievement -- Teresia P. McClanahan, Randolph Howard Elementary Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 371 to Committee on Calendar.

House Joint Resolution No. 372 -- Memorials, Professional Achievement -- Cynthia Wilson, Randolph Howell Elementary School Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 372 to Committee on Calendar.

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House Joint Resolution No. 373 -- Memorials, Professional Achievement -- Jackie Park, Baker Elementary School Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 373 to Committee on Calendar.

House Joint Resolution No. 374 -- Memorials, Professional Achievement -- Patricia A. Ridley, J.E. Woodard Elementary School Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 374 to Committee on Calendar.

House Joint Resolution No. 375 -- Naming and Designating -- "Jobs Partnership of Clarksville and Montgomery County Day", April 27, 2003.

The Speaker announced that he had referred House Joint Resolution No. 375 to Committee on State and Local Government.

House Joint Resolution No. 376 -- Memorials, Congratulations -- Julie Hicks, Prudential Spirit of Community Award.

The Speaker announced that he had referred House Joint Resolution No. 376 to Committee on Calendar.

House Joint Resolution No. 377 -- Memorials, Public Service -- Davy Crockett Charity Ride.

The Speaker announced that he had referred House Joint Resolution No. 377 to Committee on Calendar.

House Joint Resolution No. 378 -- Memorials, Professional Achievement -- Lillian Frances Gragg.

The Speaker announced that he had referred House Joint Resolution No. 378 to Committee on Calendar.

House Joint Resolution No. 379 -- Memorials, Professional Achievement -- Arnold King, Umpire of the Year.

The Speaker announced that he had referred House Joint Resolution No. 379 to Committee on Calendar.

House Joint Resolution No. 380 -- Memorials, Professional Achievement -- The Corporate Image, 10th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 380 to Committee on Calendar.

House Joint Resolution No. 381 -- Memorials, Death -- Arthur Woodrow Morrell.

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The Speaker announced that he had referred House Joint Resolution No. 381 to Committee on Calendar.

House Joint Resolution No. 382 -- Memorials, Sports -- Maryville High School Class 4A Championship.

The Speaker announced that he had referred House Joint Resolution No. 382 to Committee on Calendar.

House Joint Resolution No. 383 -- Memorials, Sports -- Carl Stewart, Maryville High School Senior Tailback, Division I-4A American General Mr. Football Award Winner for 2002.

The Speaker announced that he had referred House Joint Resolution No. 383 to Committee on Calendar.

House Joint Resolution No. 384 -- Memorials, Professional Achievement -- Kay D. Rogers, McDowell Elementary Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 384 to Committee on Calendar.

House Joint Resolution No. 385 -- Memorials, Professional Achievement -- Mary Ellen Cook, Culleoka Unit School Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 385 to Committee on Calendar.

House Joint Resolution No. 386 -- Memorials, Professional Achievement -- Mary Ruth Campbell, Culleoka Unit School Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 386 to Committee on Calendar.

House Joint Resolution No. 396 -- Memorials, Congratulations -- City of Friendsville, 50 years of incorporation.

The Speaker announced that he had referred House Joint Resolution No. 396 to Committee on Calendar.

Senate Joint Resolution No. 278 -- Memorials, Academic Achievement -- Christopher Brady Bledsoe, Valedictorian, Dickson County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 278 to Committee on Calendar.

Senate Joint Resolution No. 279 -- Memorials, Academic Achievement -- Yang Lin, Valedictorian, Frayser High School.

The Speaker announced that he had referred Senate Joint Resolution No. 279 to Committee on Calendar.

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Senate Joint Resolution No. 280 -- Memorials, Academic Achievement -- Tabitha Elizabeth Hamilton, Salutatorian, Frayser High School.

The Speaker announced that he had referred Senate Joint Resolution No. 280 to Committee on Calendar.

Senate Joint Resolution No. 281 -- Highway Signs -- Names bridge on State Route 346 in Hawkins County in honor of Randall G. Dykes.

The Speaker announced that he had referred Senate Joint Resolution No. 281 to Committee on Transportation.

Senate Joint Resolution No. 282 -- Memorials, Death -- Ruth Swann Goddard.

The Speaker announced that he had referred Senate Joint Resolution No. 282 to Committee on Calendar.

Senate Joint Resolution No. 283 -- Memorials, Academic Achievement -- Robert Patrick, Valedictorian, McEwen High School.

The Speaker announced that he had referred Senate Joint Resolution No. 283 to Committee on Calendar.

Senate Joint Resolution No. 284 -- Memorials, Academic Achievement -- Cheryl Leigh Sesler, Salutatorian, Creek Wood High School.

The Speaker announced that he had referred Senate Joint Resolution No. 284 to Committee on Calendar.

Senate Joint Resolution No. 285 -- Memorials, Academic Achievement -- Brittany Lynett Galloway, Salutatorian, Lewis County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 285 to Committee on Calendar.

Senate Joint Resolution No. 286 -- Memorials, Academic Achievement -- Megan Plunkett, Valedictorian, Hickman County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 286 to Committee on Calendar.

Senate Joint Resolution No. 287 -- Memorials, Academic Achievement -- Brian McCormick, Valedictorian, Creek Wood High School.

The Speaker announced that he had referred Senate Joint Resolution No. 287 to Committee on Calendar.

Senate Joint Resolution No. 288 -- Memorials, Academic Achievement -- Kimberly Ann Morrow, Salutatorian, Hickman County High School.

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The Speaker announced that he had referred Senate Joint Resolution No. 288 to Committee on Calendar.

Senate Joint Resolution No. 289 -- Memorials, Academic Achievement -- Beau Rader, Valedictorian, Springfield High School.

The Speaker announced that he had referred Senate Joint Resolution No. 289 to Committee on Calendar.

Senate Joint Resolution No. 290 -- Memorials, Academic Achievement -- Jessica Raines, Valedictorian, Springfield High School.

The Speaker announced that he had referred Senate Joint Resolution No. 290 to Committee on Calendar.

Senate Joint Resolution No. 291 -- Memorials, Academic Achievement -- Ashley N. Bassel, Valedictorian, Springfield High School.

The Speaker announced that he had referred Senate Joint Resolution No. 291 to Committee on Calendar.

Senate Joint Resolution No. 292 -- Memorials, Academic Achievement -- Erin Stewart, Valedictorian, Springfield High School.

The Speaker announced that he had referred Senate Joint Resolution No. 292 to Committee on Calendar.

Senate Joint Resolution No. 293 -- Memorials, Academic Achievement -- Jessica Arnold, Valedictorian, Springfield High School.

The Speaker announced that he had referred Senate Joint Resolution No. 293 to Committee on Calendar.

Senate Joint Resolution No. 294 -- Memorials, Academic Achievement -- Jessica H. Ellis, Valedictorian, Springfield High School.

The Speaker announced that he had referred Senate Joint Resolution No. 294 to Committee on Calendar.

Senate Joint Resolution No. 295 -- Memorials, Academic Achievement -- Meghan Oudman, Valedictorian, Springfield High School.

The Speaker announced that he had referred Senate Joint Resolution No. 295 to Committee on Calendar.

Senate Joint Resolution No. 296 -- Memorials, Academic Achievement -- Jennifer Nicole Gann, Valedictorian, Springfield High School.

The Speaker announced that he had referred Senate Joint Resolution No. 296 to Committee on Calendar.

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Senate Joint Resolution No. 297 -- Memorials, Academic Achievement -- William Blake Hooper, Valedictorian, East Robertson High School.

The Speaker announced that he had referred Senate Joint Resolution No. 297 to Committee on Calendar.

Senate Joint Resolution No. 298 -- Memorials, Academic Achievement -- Barrett Owen, Salutatorian, East Robertson High School.

The Speaker announced that he had referred Senate Joint Resolution No. 298 to Committee on Calendar.

Senate Resolution No. 34 -- Memorials, Academic Achievement -- Michael Quinn Levy, Salutatorian, Academy for Academic Excellence.

The Speaker announced that he had referred Senate Resolution No. 34 to Committee on Calendar.

Senate Resolution No. 35 -- Memorials, Academic Achievement -- Ian Winters, Valedictorian, Clarksville Academy.

The Speaker announced that he had referred Senate Resolution No. 35 to Committee on Calendar.

Senate Resolution No. 36 -- Memorials, Academic Achievement -- Shaun Collins, Salutatorian, Clarksville Academy.

The Speaker announced that he had referred Senate Resolution No. 36 to Committee on Calendar.

Senate Resolution No. 37 -- Memorials, Academic Achievement -- Diana Morgan Yrabedra, Valedictorian, Academy for Academic Excellence.

The Speaker announced that he had referred Senate Resolution No. 37 to Committee on Calendar.

MOTION

Senator Henry moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 64** on the calendar for the Committee on Finance, Ways and Means for Tuesday, April 22, 2003, which motion prevailed.

MOTION

Senator Burchett moved that **House Bill No. 744** be returned to the House, which motion prevailed.

RECALL OF BILL

On motion of Senator Graves, **Senate Bill No. 107** was recalled from the Committee on Judiciary.

REFERRAL

On motion of Senator Graves, Senate Bill No. 107 was referred to the Committee on Commerce, Labor and Agriculture.

CONSENT CALENDAR NO. 1

House Joint Resolution No. 309 -- Memorials, Academic Achievement -- Taylor Barrett Davidson, Valedictorian, Columbia Academy.

House Joint Resolution No. 310 -- Memorials, Academic Achievement -- Katherine Elizabeth Groce, Valedictorian, Columbia Academy.

House Joint Resolution No. 311 -- Memorials, Academic Achievement -- Justin Hight, Salutatorian, Culleoka High School.

House Joint Resolution No. 312 -- Memorials, Academic Achievement -- Carmen Lunn, Valedictorian, Culleoka High School.

House Joint Resolution No. 313 -- Memorials, Academic Achievement -- Katie Marie Dugger, Valedictorian, Mt. Pleasant High School.

House Joint Resolution No. 314 -- Memorials, Academic Achievement -- Lindsay Haywood, Salutatorian, Mt. Pleasant High School.

House Joint Resolution No. 315 -- Memorials, Academic Achievement -- Lucas R. Moss, Salutatorian, Columbia Central High School.

House Joint Resolution No. 316 -- Memorials, Academic Achievement -- Annie Kathleen Smith, Valedictorian, Columbia Central High School.

House Joint Resolution No. 317 -- Memorials, Academic Achievement -- Virginia Lee Kruckeberg, Salutatorian, Zion Christian Academy.

House Joint Resolution No. 318 -- Memorials, Academic Achievement -- Jennifer Kim Reed, Valedictorian, Zion Christian Academy.

House Joint Resolution No. 319 -- Memorials, Academic Achievement -- Catherine Lindsey Moore, Valedictorian, Zion Christian Academy.

House Joint Resolution No. 320 -- Memorials, Academic Achievement -- Bryan Lewis Boggs, Valedictorian, Zion Christian Academy.

House Joint Resolution No. 321 -- Memorials, Academic Achievement -- Stacey Clark, Salutatorian, Spring Hill High School.

House Joint Resolution No. 322 -- Memorials, Academic Achievement -- Cristina Serrano, Valedictorian, Spring Hill High School.

House Joint Resolution No. 323 -- Memorials, Academic Achievement -- Connesuela D. Stephens, Salutatorian, Christian Heritage Academy.

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House Joint Resolution No. 324 -- Memorials, Academic Achievement -- Tiffany Oliver Goodpasture, Valedictorian, Christian Heritage Academy.

House Joint Resolution No. 325 -- Memorials, Public Service -- Senator Robert Rochelle, TACIR.

House Joint Resolution No. 326 -- Memorials, Public Service -- Lana Bowman Ball, TACIR.

House Joint Resolution No. 327 -- Memorials, Public Service -- Tommy Haun, TACIR.

House Joint Resolution No. 328 -- Memorials, Public Service -- Matthew H. Kisber, TACIR.

House Joint Resolution No. 329 -- Memorials, Public Service -- Judith P. Medearis, TACIR.

House Joint Resolution No. 330 -- Memorials, Public Service -- Maynard Pate, TACIR.

House Joint Resolution No. 331 -- Memorials, Public Service -- Jim Rout, TACIR.

House Joint Resolution No. 332 -- Memorials, Public Service -- Mary Jo Dozier, TACIR.

House Joint Resolution No. 333 -- Memorials, Public Service -- Ruth E. Johnson, TACIR.

House Joint Resolution No. 334 -- Memorials, Public Service -- Truman Clark, TACIR.

House Joint Resolution No. 338 -- Memorials, Sports -- Friendship Christian School girls' basketball.

House Joint Resolution No. 339 -- Memorials, Sports -- Woody Hunt, 900th win as Cumberland University Baseball Head Coach.

House Joint Resolution No. 340 -- Memorials, Academic Achievement -- Pamela Maxwell, Salutatorian, Middleton High School.

House Joint Resolution No. 341 -- Memorials, Academic Achievement -- Natalie Taylor, Valedictorian, Middleton High School.

House Joint Resolution No. 344 -- Memorials, Congratulations -- Johnson County High School Band Awards.

House Joint Resolution No. 345 -- Memorials, Heroism -- Staff Sergeant Louis Holm.

House Joint Resolution No. 346 -- Memorials, Academic Achievement -- Victoria Lane Park, Summa Cum Laude, Loretto High School.

House Joint Resolution No. 348 -- Memorials, Personal Achievement -- Jean Smith, Mother of the Year.

Senate Joint Resolution No. 116 -- Memorials, Professional Achievement -- Sam Hamilton.

Senate Joint Resolution No. 210 -- General Assembly, Confirmation of Appointment -- Boyce C. Magli, Wildlife Resources Commission.

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Senate Joint Resolution No. 211 -- General Assembly, Confirmation of Appointment -- Thomas H. Edwards, Wildlife Resources Commission.

Senate Joint Resolution No. 212 -- General Assembly, Confirmation of Appointment -- Gary K. Kimsey, Wildlife Resources Commission.

Senate Joint Resolution No. 261 -- Memorials, Academic Achievement -- William Christopher Potts, Valedictorian, Greenbrier High School.

Senate Joint Resolution No. 262 -- Memorials, Academic Achievement -- Stephen Williams, Salutatorian, Greenbrier High School.

Senate Joint Resolution No. 263 -- Memorials, Academic Achievement -- Kristen Bentley, Valedictorian, Greenbrier High School.

Senate Joint Resolution No. 264 -- Memorials, Academic Achievement -- Nicholas Pruitt, Valedictorian, Greenbrier High School.

Senate Joint Resolution No. 265 -- Memorials, Public Service -- Marion Ray, Helping Hands of Dover.

Senate Joint Resolution No. 266 -- Memorials, Sports -- Collierville High School Cheerleaders.

Senate Joint Resolution No. 267 -- Memorials, Sports -- Giles County High School, TSSAA Boys' Basketball State Champions.

Senate Joint Resolution No. 268 -- Memorials, Academic Achievement -- Erica Jackson, Valedictorian, Lewis County High School.

Senate Joint Resolution No. 269 -- Memorials, Academic Achievement -- Leslie Kay Shepard, Salutatorian, Dickson County High School.

Senate Joint Resolution No. 270 -- Memorials, Academic Achievement -- Leslie Bunt, Summa Cum Laude, Loretto High School.

Senate Joint Resolution No. 271 -- Memorials, Academic Achievement -- Victoria Lane Park, Summa Cum Laude, Loretto High School.

Senate Joint Resolution No. 272 -- Memorials, Sports -- Meredith Baither, Vanderbilt Mascot.

Senate Joint Resolution No. 274 -- Memorials, Professional Achievement -- W. Allan Jones, University of Tennessee at Chattanooga, Entrepreneurship Hall of Fame.

Senate Joint Resolution No. 275 -- Memorials, Professional Achievement -- Henry Luken, Entrepreneurship Hall of Fame.

Senate Joint Resolution No. 276 -- Memorials, Professional Achievement -- Val Hale, Brigham Young University.

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Senate Joint Resolution No. 277 -- Memorials, Professional Achievement -- Tom Holmoe, Brigham Young University.

Senator Crowe moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Ramsey, Southerland, Trail and Williams--28.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Objections having been raised, the following bill was placed at the heel of the calendar for Wednesday, April 23, 2003, pursuant to Rule 38: **Senate Bill No. 1471.**

Senate Bill No. 16 -- Death -- Permits registered nurse employed by hospital and licensed in this state to make determination and pronouncement of death for patients in that hospital if attending physician agrees in writing to sign death certificate and agreement is present with deceased at time of death. Amends TCA Title 68, Chapter 3, Part 5.

On motion, Senate Bill No. 16 was made to conform with **House Bill No. 585.**

On motion, House Bill No. 585, on same subject, was substituted for Senate Bill No. 16.

Senate Bill No. 302 -- TennCare -- Prohibits TennCare bureau from requiring TennCare MCO from contracting with specific credentialing verification organization if MCO holds valid Tennessee HMO license. Amends TCA Title 56 and Title 71.

Senate Bill No. 740 -- Sexual Offenses -- Prohibits registered sex offender from living within 1,000' of school, day care, child care facility, or victims' residence; working within 1,000' of school, day care, child care facility; and living in same place minor resides unless parent of minor. Amends TCA Title 40, Chapter 39.

Senate Bill No. 944 -- Sunset Laws -- Board of standards, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 12, Chapter 3.

On motion, Senate Bill No. 944 was made to conform with **House Bill No. 1539.**

On motion, House Bill No. 1539, on same subject, was substituted for Senate Bill No. 944.

Senate Bill No. 1342 -- Real Estate Agents and Brokers -- Requires affiliate brokers to complete 30 hours of specified education within six months instead of one year of licensure; after

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January 1, 2005, such education must be completed prior to licensure; provides for automatic expiration of license if not completed as required. Amends TCA Section 62-13-303.

Senate Bill No. 1343 -- Real Estate Agents and Brokers -- Requires brokers licensed after January 1, 2005, to complete 16 hours of continuing education every two years. Amends TCA Section 62-13-303.

Senate Bill No. 1475 -- Sunset Laws -- Interstate compact on juveniles, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 37, Chapter 4.

Senate Bill No. 1476 -- Sunset Laws -- Cemetery advisory board, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 46, Chapter 1.

Senate Bill No. 1943 -- Victims' Rights -- Adds Commissioner of Human Services to Victims of Crime State Coordinating Council. Amends TCA Section 40-38-403.

On motion, Senate Bill No. 1943 was made to conform with **House Bill No. 2036**.

On motion, House Bill No. 2036, on same subject, was substituted for Senate Bill No. 1943.

Senate Bill No. 1955 -- Children's Services, Dept. of -- Authorizes department to require funded child abuse service providers to collect identifying information on recipients of child abuse services in order to track effectiveness of such services.

Senate Bill No. 1975 -- Education -- Revises criteria for determining at-risk children for pre-school and early learning programs. Amends TCA Section 49-6-101.

Senate Bill No. 1976 -- Education -- Provides for electronic dissemination of public chapters on education to LEAs. Amends TCA Section 49-1-201.

On motion, Senate Bill No. 1976 was made to conform with **House Bill No. 2014**.

On motion, House Bill No. 2014, on same subject, was substituted for Senate Bill No. 1976.

Senator Crowe moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|----------------|----|
| Ayes | 28 |
| Noes | 0 |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Ramsey, Southerland, Trail and Williams--28.

A motion to reconsider was tabled.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 1997 -- Fayette County -- Subject to local approval, modifies certain provisions within Fayette County adequate facilities tax. Amends Chapter 69 of the Private Acts of 2001.

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On motion, Senate Bill No. 1997 was made to conform with **House Bill No. 2095**.

On motion, House Bill No. 2095, on same subject, was substituted for Senate Bill No. 1997.

Senate Bill No. 2005 -- Decherd -- Subject to local approval, permits board of mayor and aldermen to establish mayor and aldermen salaries by ordinance; revises city election cycle to coincide with county election. Amends Chapter 318 of the Acts of 1901; as amended.

On motion, Senate Bill No. 2005 was made to conform with **House Bill No. 2082**.

On motion, House Bill No. 2082, on same subject, was substituted for Senate Bill No. 2005.

Senate Bill No. 2007 -- Maury County -- Subject to local approval, increases membership of civil service board for sheriff's employees from five to seven members. Amends Chapter 475 of the Private Acts of 1967-68; as amended.

On motion, Senate Bill No. 2007 was made to conform with **House Bill No. 2087**.

On motion, House Bill No. 2087, on same subject, was substituted for Senate Bill No. 2007.

Senate Bill No. 2013 -- Portland -- Subject to local approval, revises provisions governing city attorney. Amends Chapter 568 of the Private Acts of 1939.

On motion, Senate Bill No. 2013 was made to conform with **House Bill No. 2090**.

On motion, House Bill No. 2090, on same subject, was substituted for Senate Bill No. 2013.

Senator Crowe moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|----------------|----|
| Ayes | 29 |
| Noes | 0 |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail and Williams--29.

A motion to reconsider was tabled.

MOTION

Senator Crowe moved that the rules be suspended for the purpose of considering the Message Calendar next, which motion prevailed.

SENATE MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 461 -- Hospitals and Health Care Facilities -- Changes language referring to home health agencies to home care organizations under certificate of need provisions; adds

language to exempt home care organizations from certificate of need requirement if authorized to provide only professional support services. Amends TCA Title 68, Chapter 11, Part 16.

HOUSE AMENDMENT NO. 1

AMEND by deleting Section 1 in the printed bill in its entirety, and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-1607(a)(5), is amended by deleting the semicolon at the end of the subdivision and substituting instead a period, and by adding the following:

The relocation of the principal office of a home health agency or hospice within the same county shall not be considered a change of location of a health care institution;

Senator McNally moved that the Senate concur in House Amendment No. 1 to Senate Bill No. 461, which motion prevailed by the following vote:

| | |
|----------------|----|
| Ayes | 30 |
| Noes | 0 |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

MR. SPEAKER WILDER RESUMES CHAIR

Mr. Speaker Wilder resumed the Chair.

CALENDAR

Senator Cohen moved that **Senate Bill No. 437** be placed at the heel of the calendar for today, which motion prevailed.

Senator Cohen moved that **Senate Bill No. 1** be placed at the heel of the calendar for today, which motion prevailed.

Senate Bill No. 509 -- Medical Occupations -- Adds doctor of audiology degree to certifications permitting audiologist or speech language pathologist to practice without valid license pending disposition of application. Amends TCA Title 63, Chapter 17.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-17-111(g), is amended by inserting the following language and punctuation between the language "equivalent," and the word "or" in the second line of that subsection:

or holds a doctor of audiology degree (AuD) from an accredited institution of higher learning and has passed the examination required for licensure under § 63-17-110(b)(2),

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 509**, as amended, passed its third and final consideration by the following vote:

| | |
|----------------|----|
| Ayes | 30 |
| Noes | 0 |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senate Bill No. 882 -- Real Estate Agents and Brokers -- Provides that no cause of action may be instituted against real estate agent for information contained in residential property disclosure form unless agent is signatory to form; provides that agent has no liability for information contained in reports or opinions prepared by engineers, surveyors, geologists, termite inspectors, mortgage brokers, or home inspectors. Amends TCA Title 66, Chapter 5, Part 2.

Senator Ramsey moved to amend as follows:

AMENDMENT NO. 1

AMEND by designating the existing language of subsection (d) of the amendatory language of Section 1 as (d)(1) and by adding the following new (d)(2):

(2) Nothing in this subsection shall be construed to exempt or excuse a real estate licensee from making any of the disclosures required by §§ 66-5-206, 62-13-403 or 62-13-405, nor shall it be construed to remove, limit or otherwise affect any remedy provided by law for such a failure to disclose.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 882**, as amended, passed its third and final consideration by the following vote:

| | |
|----------------|----|
| Ayes | 30 |
| Noes | 0 |

MONDAY, APRIL 21, 2003 -- 31ST LEGISLATIVE DAY

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senate Bill No. 1115 -- Wildlife Resources Commission -- Requires executive director of agency to submit report to commission and Governor by September 30 of each year; extends effective date of regulations for cooperative agreements with federal agencies from 30 to 45 days after publication.

Senator Jackson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 70-2-201(e), is amended by deleting the last sentence and by substituting instead the following new sentence:

Furthermore, for as long as *Tennessee Wildlife* is published, the executive director shall have the discretion to provide a subscription to a sportsman license holder at no cost.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1115**, as amended, passed its third and final consideration by the following vote:

| | |
|----------------|----|
| Ayes | 30 |
| Noes | 0 |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senator Graves moved that **Senate Bill No. 1597** be placed on the calendar for Thursday, April 24, 2003, which motion prevailed.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Haynes as Speaker pro tempore.

Senate Bill No. 1958 -- Parks, Natural Areas Preservation -- Designates Stones River Cedar Glade and Barrens and Gattinger's Cedar Glade and Barrens as natural areas; revises description of Shelby Farms-Lucius E. Burch, Jr. natural area; increases acreage of Couchville Cedar Glade from 84 to 122 acres and North Chickamauga Creek Gorge from 3,852 to 4,864 acres. Amends TCA Title 11, Chapter 14.

Senator Miller moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting in its entirety Section 2 of the printed bill, and by substituting the following:

SECTION 2. Tennessee Code Annotated, Section 11-14-108(b)(1)(N), concerning Shelby Farms Forest -- Lucius E. Burch, Jr. Natural Area, is amended by deleting the subdivision in its entirety and substituting instead the following:

(N) Lucius E. Burch, Jr. An area of approximately 1,000 acres located within Shelby Farms Forest Park in Shelby County. This coastal plain site includes areas of bottomland hardwood/bald cypress-tupelo forest and forested wetland communities along the northeasterly and northerly sides of the Wolf River and provides habitat for plant and animal species in need of conservation. The 1,000 acre natural area includes two (2) separate forest areas: an approximately six hundred (600) acre bottomland hardwood/bald cypress-tupelo swamp forest north of Walnut Grove Road, and an approximately four hundred thirteen (413) acre mature bottomland hardwood/bald cypress forest south of Walnut Grove Road.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1958**, as amended, passed its third and final consideration by the following vote:

| | |
|----------------|----|
| Ayes | 29 |
| Noes | 0 |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail and Williams--29.

A motion to reconsider was tabled.

House Bill No. 448 -- Adoption -- Allows participants in relative caregiver program standing to file petition to terminate parental rights and to request termination of parental rights. Amends TCA Title 36, Chapter 1.

MR. SPEAKER WILDER RESUMES CHAIR

Mr. Speaker Wilder resumed the Chair.

Senator Person moved that Amendment No. 2 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 448** passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senator Crutchfield moved that **Senate Bill No. 1977**, as amended, be placed at the heel of the calendar for today, which motion prevailed.

Senate Bill No. 1279 -- Adoption -- Revises certain provisions regarding adoption including increasing number of days between filing petition of adoption or petition for termination of parental rights and checking putative father registry from three working days to 10 working days. Amends TCA Title 36, Chapter 1, Part 1.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-1-102(1)(A)(i), is amended by inserting the language "have willfully failed to" between the language "support or" and "make".

SECTION 2. Tennessee Code Annotated, Section 36-1-102(1)(A)(iv), is amended by inserting the language "has willfully failed to" between the language "support or" and "make".

SECTION 3. Tennessee Code Annotated, Section 36-1-102(1)(A)(v)(D), is amended by deleting the language after "means" and substituting instead the language:

the willful failure, for a period of four (4) consecutive months, to provide monetary support or the willful failure to provide more than token payments toward the support of the child;

SECTION 4. Tennessee Code Annotated, Section 36-1-102(26), is amended by deleting the language "six (6) months" and substituting the language "one (1) year".

SECTION 5. Tennessee Code Annotated, Section 36-1-106(c), is amended by adding the following new sentence at the end of the subsection:

Further, no consultation of the putative father registry maintained by the department shall be required, and the affidavits otherwise required by §36-1-120(b)(1) and (2) need not be filed if the attorney, social worker, or child-placing agency, as the case may be, which provided professional services in the underlying foreign adoption, does not maintain an office in the United States.

SECTION 6. Tennessee Code Annotated, Section 36-1-109(a)(1)(B)(i), is amended by inserting the word "food," between the language "housing," and "maternity clothing" and by deleting the language "thirty (30)" and substituting instead the language "forty-five (45)".

SECTION 7. Tennessee Code Annotated, Section 36-1-111(d)(3), is amended by inserting the word "calendar" after the language "three (3)".

SECTION 8.

SECTION 9. Tennessee Code Annotated, Section 36-1-113(d)(3)(A)(i), is amended by deleting the language "three (3)" and substituting instead the language "ten (10)".

SECTION 10. Tennessee Code Annotated, Section 36-1-113(g)(9)(A), is amended by adding the language ", at the time of the filing of a petition to terminate the parental rights of such person or, if no such petition is filed, at the time of the filing of a petition to adopt a child," between the language "person who" and "is not" and by deleting the word "a" before the word "child" and inserting the word "such" in its place.

SECTION 11. Tennessee Code Annotated, Section 36-1-116(b)(13)(A), is amended by deleting the language "three (3)" and substituting the language "ten (10)".

SECTION 12. Tennessee Code Annotated, Section 36-1-116(f)(2), is amended by inserting the language "or visitation with the child" between the language "guardianship of the child" and "who is in the physical custody".

SECTION 13. Tennessee Code Annotated, Section 36-1-116(h), is amended by deleting the language "Uniform Child Custody Jurisdiction Act (UCCJA)" and substituting instead the language "Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)".

SECTION 14. Tennessee Code Annotated, Section 36-1-117(b)(6), is amended by deleting the language "Uniform Child Custody Jurisdiction Act (UCCJA)" and substituting instead the language "Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)".

SECTION 15. Tennessee Code Annotated, Section 36-1-120, is amended by adding a new, appropriately designated subsection:

(h) Notwithstanding the sealing and confidentiality of adoption records pursuant to this part, the clerk of the court in which adoption proceedings have occurred, upon being furnished verification of the identity of the requesting person, shall furnish to the adopted person, adoptive parents or their attorney(s), upon their request at any time, certified copies of the final order of adoption or re-adoption or final orders dismissing such adoption proceedings. Nothing other than certified copies of the final order of adoption or re-adoption or final order dismissing such adoption proceedings shall be released pursuant to this subsection.

SECTION 16. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Senator McNally moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 36-1-133, is amended by adding the following as a new, appropriately designated subsection:

(d) For the purpose of providing full disclosure about a child to be adopted, the department shall provide the same information described in subdivisions (b)(1) through (7) to prospective adoptive parents with respect to any child or children the prospective adoptive parents are seeking to adopt.

Senator McNally moved that **Senate Bill No. 1279**, as amended, be moved one place down on the calendar for today, which motion prevailed.

Senator Herron moved that **Senate Bill No. 1313** be considered before **Senate Bill No. 437**, which motion prevailed.

FURTHER ACTION ON SENATE BILL NO. 1279, AS AMENDED

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 1279**, as amended, passed its third and final consideration by the following vote:

| | |
|---------------------------|----|
| Ayes | 30 |
| Noes | 0 |
| Present, not voting . . . | 1 |

Senators voting aye were: Atchley, Beavers, Byson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Williams and Mr. Speaker Wilder--30.

Senator present and not voting was: Trail--1.

A motion to reconsider was tabled.

Senate Bill No. 1689 -- Architects, Engineers and Designers -- Requires architects and engineers to oversee construction phases of buildings over three stories for purposes of assuring public health and safety. Amends TCA Section 62-2-102.

Senator Trail moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the period at the end of the amendatory language of Section 1 of the printed bill and by substituting instead the following:

provided, that any agreement to the effect that a registered architect or engineer so employed does not have any liability or limited liability for damages proximately caused by construction not in substantial compliance with such contracts is contrary to public policy and void and of no effect.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1689**, as amended, passed its third and final consideration by the following vote:

| | |
|------------|----|
| Ayes | 30 |
| Noes | 0 |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senator Herron moved that **Senate Bill No. 1313** be placed on the calendar for Monday, April 28, 2003, which motion prevailed.

MOTION

Senator Southerland moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 337**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 337 -- Naming and Designating -- Ramp Festival Day, May 4, 2003.

On motion of Senator Southerland, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 337** was concurred in by the following vote:

| | |
|------------|----|
| Ayes | 29 |
| Noes | 0 |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

MOTION

Senator Ramsey moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 380**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 380 -- Memorials, Interns -- Kimaley F. Clark.

On motion of Senator Ramsey, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 380** was concurred in by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

MOTION

Senator Ramsey moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 381**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 381 -- Memorials, Interns -- Mandy Eoff.

On motion of Senator Ramsey, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 381** was concurred in by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 437 -- Education -- Requires that all funds appropriated from lottery proceeds be used to supplement, not supplant, non-lottery resources for educational purposes and programs. Amends TCA Title 3; Title 4; Title 33; Title 38; Title 39; Title 48; Title 49 and Title 68.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 4, is amended by adding the following as a new part:

§ 49-4-901. (a) Net proceeds of lottery games conducted by the state shall be used exclusively for the purposes set out in Article XI, Section 5 of the Constitution of Tennessee and the provisions of this act. Such net proceeds shall be used to supplement, not supplant, existing resources for educational purposes, projects and programs.

(b) It is the intent of the General Assembly that if there exist net proceeds of lottery games conducted by the state in excess of those allocated to provide financial assistance to citizens of this state to enable such citizens to attend postsecondary educational institutions located in Tennessee, then such excess net proceeds shall be allocated first to early learning programs.

(c) It is further the intent of the General Assembly that the scholarship and grant programs established under this part shall not create an entitlement to financial assistance to enable attendance at a postsecondary institution for any student. In the event net proceeds from lottery revenues are insufficient to fund fully the scholarships and grants created by this part, then the Tennessee student assistance corporation (hereinafter referred to as "TSAC") is authorized to review and reduce the amounts to be awarded for such scholarships and grants pro rata.

§ 49-4-902. (a) The scholarship and grant programs established by this part shall be administered by TSAC, which shall be responsible for determination of eligibility of students and for the distribution of funds appropriated by the General Assembly for scholarships and grants awarded under the program.

(b) The Tennessee higher education commission (hereinafter referred to as "THEC") shall provide assistance to the General Assembly and to TSAC by researching and analyzing data concerning the scholarship and grant programs created under this part, including, but not limited to, student success and scholarship retention. THEC shall report its findings annually to the education committee of the Senate and the education committee of the House of Representatives before the second Tuesday in January.

(c) Postsecondary educational institutions that enroll students receiving scholarships or grants under this part shall provide all information required by TSAC and THEC that is necessary for administering, reviewing, and evaluating such programs. TSAC and THEC shall maintain confidentiality of individual student records in accordance with the Family Educational Right to Privacy Act.

§ 49-4-903. As used in this part, unless the context otherwise requires:

(1) "Academic year" means a period of time, typically nine (9) months, in which a full-time student is expected to complete the equivalent of at least two (2) semesters of academic work.

(2) "ACT" means the ACT assessment administered by ACT.

(3) "Adjusted gross income attributable to the student" or "student's adjusted gross income" means:

(A) The adjusted gross income of the student's parent or parents as reported on the student's FAFSA and used by TSAC in determinations of eligibility for federal or state financial aid, if the student is a dependent of a parent or parents; or

(B) The adjusted gross income of the student and, if applicable, the student's spouse as reported on the student's FAFSA and used by TSAC in determinations of eligibility for federal or state financial aid, if the student is financially independent of parents.

(4) "Certificate" or "diploma" means a credential, other than a degree, the receipt of which indicates satisfactory completion of training in a program of study offered by a Tennessee Technology Center operated by the board of regents of the state university and community college system.

(5) "College core curriculum" means the high school courses in the curriculum approved by the state board of education for those students intending to pursue postsecondary education.

(6) "Eligible high school" means:

(A) A Tennessee public secondary school; or

(B) A private secondary school that is located in Tennessee and is accredited by the Southern Association of Colleges and Schools.

(7) "Eligible postsecondary institution" means an eligible independent postsecondary institution or an eligible public postsecondary institution.

(8) "Eligible independent postsecondary institution" means:

(A) An institution created by testamentary trust for which the state acts by statute as trustee and for which the governor is authorized to appoint commissioners with the advice and consent of the Senate and that offers courses leading to undergraduate degrees; or

(B) A Southern Association of Colleges and Schools accredited private postsecondary institution that is located in Tennessee.

(9) "Eligible public postsecondary institution" means:

(A) An institution operated by the board of regents of the state university and community college system; or

(B) An institution in the University of Tennessee system;

(10) "FAFSA" means the Free Application for Federal Student Aid.

(11) "Freshman student" means a student at a postsecondary institution who is in the first two (2) semesters of full-time attendance.

(12) "Full-time student" means a student attending a postsecondary educational institution and enrolled for at least twelve (12) semester hours during each semester of attendance.

(13) "General Assembly Merit Scholarship" means the scholarship that is awarded for academic excellence under § 49-4-916. A "General Assembly Merit Scholarship" consists of two (2) parts, a Tennessee HOPE scholarship and a General Assembly Merit Scholar supplemental award.

(14) "GED" means a general educational development credential awarded by a state-approved institution or organization.

(15) "Grade point average" means the numbered grade average calculated using a 4.0 scale.

(16) "Mandatory fees" means fees that are charged by a postsecondary institution to every student enrolled in that institution, regardless of the student's program of study.

(17) "Regional accrediting association" means:

(A) The Southern Association of Colleges and Schools;

(B) The New England Association of Schools and Colleges;

(C) The Middle States Association of Colleges and Schools;

(D) The North Central Association of Colleges and Schools;

(E) The Northwestern Association of Schools and Colleges; or

(F) The Western Association of Schools and Colleges.

(18) "SAT" means the Scholastic Aptitude Test administered by the College Board.

(19) "Semester hour" means the credit hour used by a postsecondary institution, if the institution is on a semester system, or its equivalent, if the institution is on a system other than a semester system. "Semester hour" includes each semester hour attempted, whether remedial or for credit toward

a degree, but shall not include any semester hour attempted before graduating from high school or earning a GED.

(20) "Tennessee HOPE scholarship" means a scholarship for study in pursuit of an associate or baccalaureate degree at an eligible postsecondary institution that is funded from net proceeds of lottery games conducted by the state and awarded under this part.

(21) "Title IV" means Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C.A. § 1070, et seq.

(22) "Unweighted grade point average" means grade point average on a 4.0 scale calculated without additional points awarded for advanced placement, honors, or other similar courses.

(23) "Wilder-Naifeh technical skills grant" means a grant for study in pursuit of a certificate or diploma at a Tennessee Technology Center operated by the board of regents of the state university and community college system that is funded from net proceeds of lottery games conducted by the state and awarded under this part.

§ 49-4-904. A student is ineligible for any scholarship or grant described in this part if the student:

(1) Is not a Tennessee citizen;

(2) Has not complied with United States Selective Service System requirements for registration, if such requirements are applicable to the student;

(3) Is in default on a federal Title IV educational loan or Tennessee educational loan;

(4) Owes a refund on a federal Title IV student financial aid program or a Tennessee student financial aid program;

(5) Is not in compliance with federal drug-free rules and laws for receiving financial assistance;

(6) Is incarcerated; or

(7) Does not meet each qualification relating to the relevant scholarship or grant and applicable to the student.

§ 49-4-905. (a) To be eligible for a Tennessee HOPE scholarship or a Wilder-Naifeh technical skills grant, a student shall:

(1) Meet Tennessee residency requirements as defined by the regulations promulgated by the board of regents under § 49-8-104;

(2) Have been a Tennessee resident for one (1) year immediately preceding the date of application for a scholarship or grant or the renewal of a scholarship or grant;

(3) Have made application for a Tennessee HOPE scholarship or Wilder-Naifeh technical skills grant; and

(4) Have filed a FAFSA with TSAC.

(b) To be eligible for a Tennessee HOPE scholarship, a student shall have graduated from high school, completed a home school program meeting all requirements of § 49-6-3050, or obtained a GED after January 1, 2003. The provisions of this subsection shall not apply to those students applying for Wilder-Naifeh technical skills grants.

§ 49-4-906. To be eligible for a Tennessee HOPE scholarship, a student shall have an adjusted gross income attributable to the student of one hundred thousand dollars (\$100,000) or less. A student whose adjusted gross income exceeds one hundred thousand dollars (\$100,000) is not eligible to receive a Tennessee HOPE scholarship, unless the student qualifies for a General Assembly Merit Scholarship.

§ 49-4-907. To be eligible for a Tennessee HOPE scholarship as an entering freshman seeking an associate or baccalaureate degree at an eligible postsecondary institution, a student shall:

(1) Meet the requirements of §§ 49-4-904, 49-4-905, and 49-4-906;

(2) Apply for a Tennessee HOPE scholarship and file a FAFSA in the senior year of high school;

(3) Graduate from an eligible high school after January 1, 2004, upon having completed curriculum requirements of the high school for graduation;

(4) Achieve a final overall unweighted high school grade point average of at least 3.0;

(5) Achieve a final unweighted grade point average of at least 3.0 in the college core curriculum. Such grade point average shall be calculated using all college core courses taken by the student; and

(6) Attain a composite ACT score of 19 on any single ACT test date or a combined SAT score of 890 on any single SAT test date.

§ 49-4-908. (a) To be eligible for a Tennessee HOPE scholarship, a student, who completed a home school program meeting all requirements of § 49-6-3050 after January 1, 2004, who obtained a GED after January 1, 2004, or who graduated from a high school located in Tennessee that is not an eligible high school after January 1, 2004, shall:

(1) Meet the requirements of §§ 49-4-904, 49-4-905, and 49-4-906;

(2) Attain a composite ACT score of 23 on any single ACT test date or a combined SAT score of 1060 on any single SAT test date;

(3) Enroll in an eligible postsecondary institution within six (6) months of completing a home school program, obtaining a GED, or graduating from high school;

(4) Attend the eligible postsecondary institution full-time for two (2) semesters without a Tennessee HOPE scholarship;

(5) Maintain satisfactory progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student enrolled; and

(6) Achieve a cumulative grade point average of 2.75 at the end of the semester in which the student has attempted a total of twenty-four (24) semester hours.

(b) Such student shall be eligible to receive a retroactive Tennessee HOPE scholarship for such student's freshman year to be paid at the end of the freshman year.

§ 49-4-909. (a) To be eligible for a Tennessee HOPE scholarship, a student, who graduated from high school after January 1, 2003, who completed a home school program meeting all requirements of § 49-6-3050 after January 1, 2003, or who obtained a GED after January 1, 2003, shall:

(1) Meet the requirements of §§ 49-4-904, 49-4-905, and 49-4-906;

(2) Attend without a Tennessee HOPE scholarship an eligible postsecondary institution or a postsecondary institution located outside of Tennessee that is accredited by a regional accrediting association full-time for at least one academic year;

(3) Maintain satisfactory progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student enrolled; and

(4) Achieve the cumulative grade point average that is required under § 49-4-911 for continuation of a Tennessee HOPE scholarship for the total number of semester hours that the student has attempted at any postsecondary institution attended.

(b) No retroactive award of a Tennessee HOPE scholarship shall be made under this section.

§ 49-4-910. A student who receives a Tennessee HOPE scholarship and attends an eligible postsecondary institution may transfer to another eligible postsecondary institution without loss of the scholarship; provided, that the student continues to meet all requirements for such scholarship. The scholarship award shall

be the award applicable to the eligible postsecondary institution to which the student transferred.

§ 49-4-911. (a) To continue to receive a Tennessee HOPE scholarship, a student at an eligible postsecondary institution shall continue to meet all applicable requirements for the scholarship and shall reapply and file a FAFSA with TSAC upon attempting twenty-four (24), forty-eight (48), seventy-two (72), or ninety-six (96) semester hours. A student's adjusted gross income shall be reviewed for continuing eligibility whenever a student reapplies. At the end of semester in which the student has attempted a total of twenty-four (24) semester hours, the student shall have achieved a cumulative grade point average of at least 2.75 to continue to receive the Tennessee HOPE scholarship. Eligibility for the Tennessee HOPE scholarship shall also be reviewed at the end of the semester in which a student has attempted a total of forty-eight (48), seventy-two (72), or ninety-six (96) semester hours. At the end of the semester in which the student has attempted a total of forty-eight (48), seventy-two (72), or ninety-six (96) semester hours, the student shall achieve a cumulative grade point average of at least 3.0 to continue to receive the scholarship for the following academic year.

(b) If a student ceases to be eligible for a Tennessee HOPE scholarship at any time for any reason, then the student shall not be able to regain the Tennessee HOPE scholarship.

§ 49-4-912. (a) The receipt of a Tennessee HOPE scholarship is contingent upon admission to an eligible postsecondary institution. The receipt of a Tennessee HOPE scholarship does not guarantee admission to an eligible postsecondary institution.

(b) Tennessee HOPE scholarship students shall be enrolled as full-time students at an eligible postsecondary institution.

§ 49-4-913. (a) Except as set forth in subsection (b) of this section and §§ 49-4-918 and 49-4-919, a student may receive a Tennessee HOPE scholarship until the first of the following events:

(1) The student has earned a baccalaureate degree;

(2) The student has attempted at any postsecondary institution a total one hundred twenty (120) semester hours; or

(3) Five (5) years from the date of the student's initial enrollment at any postsecondary institution have passed.

(b) A student enrolled in an undergraduate degree program required to be more than one hundred twenty (120) semester hours in length is eligible to receive a Tennessee HOPE scholarship until the first of the following events:

(1) The student has earned a baccalaureate degree;

(2) The student has attempted at any postsecondary institution a total of one hundred thirty-six (136) semester hours; or

(3) Five (5) years from the date of the student's initial enrollment at any postsecondary institution have passed.

§ 49-4-914. (a) Subject to the amounts appropriated by the General Assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of lottery games operated by the state, a Tennessee HOPE scholarship awarded to a student attending an eligible public four-year postsecondary institution shall be four thousand dollars (\$4,000) for an academic year or tuition and mandatory fees for an academic year, whichever is less.

(b) Subject to the amounts appropriated by the General Assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of lottery games operated by the state, a Tennessee HOPE scholarship awarded to a student attending an eligible public two-year postsecondary institution shall be two thousand dollars (\$2,000) for an academic year or tuition and mandatory fees for an academic year, whichever is less.

(c) Subject to the amounts appropriated by the General Assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of lottery games operated by the state, a Tennessee HOPE scholarship awarded to a student attending an eligible four-year independent postsecondary institution shall be two thousand dollars (\$2,000) for an academic year or tuition and mandatory fees for an academic year, whichever is less.

(d) Subject to the amounts appropriated by the General Assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of lottery games operated by the state, a Tennessee HOPE scholarship awarded to a student attending an eligible two-year independent postsecondary institution shall be one thousand dollars (\$1,000) for an academic year or tuition and mandatory fees for an academic year, whichever is less.

§ 49-4-915. A student receiving a Tennessee HOPE scholarship whose adjusted gross income does not exceed thirty-six thousand dollars (\$36,000) shall receive the Tennessee HOPE scholarship award and a supplemental award of one thousand dollars (\$1,000) for each academic year. The student's adjusted gross income shall be reviewed each academic year to determine continuing eligibility for the supplemental award. Both the Tennessee HOPE scholarship and the supplemental award are subject to the amounts appropriated by the General Assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of lottery games operated by the state.

§ 49-4-916. (a) To be eligible for a General Assembly Merit Scholarship, a student shall meet all requirements for a Tennessee HOPE scholarship, except that there shall be no limitation on adjusted gross income attributable to the student.

(b) To be eligible for a General Assembly Merit Scholarship, a student who is an entering freshman seeking an associate or baccalaureate degree at an eligible postsecondary institution shall:

(1) Graduate from an eligible high school after January 1, 2004, upon having met all curriculum requirements of the high school for graduation;

(2) Achieve a final overall unweighted high school grade point average of at least 3.75;

(3) Achieve a final unweighted grade point average of at least 3.75 in the college core curriculum. Such grade point average shall be calculated using all college core courses taken by the student;

(4) Attain a composite ACT score of 29 on any single ACT test date or a combined SAT score of 1280 on any single SAT test date; and

(5) Apply for a General Assembly Merit Scholarship and file a FAFSA in the senior year of high school.

(c) A student, who receives a General Assembly Merit Scholarship as an entering freshman shall continue to be eligible for a General Assembly Merit Scholarship, if the student meets all requirements of § 49-4-911 for continuation of a Tennessee HOPE scholarship, except that there shall be no limitation on adjusted gross income attributable to the student.

(d) To be eligible for a General Assembly Merit Scholarship, a student, who graduated from an eligible high school after January 1, 2003, but prior to January 1, 2004, and who is seeking an associate or baccalaureate degree shall have, prior to entering a postsecondary institution:

(1) Achieved a final overall unweighted high school grade point average of at least 3.75;

(2) Achieved a final unweighted high school grade point average of at least 3.75 in the college core curriculum. Such grade point average shall be calculated using all college core courses taken by the student; and

(3) Attained a composite ACT score of 29 on any single ACT test date or a combined SAT score of 1280 on any single SAT test date.

Such student shall attend an eligible postsecondary institution or a postsecondary institution located outside of Tennessee accredited by a regional accrediting agency for the freshman year without a General Assembly Merit Scholarship. Such student shall apply for the General Assembly Merit Scholarship and file a FAFSA in the year following graduation from high school and while the student is a freshman at a postsecondary institution. The student shall have a cumulative grade point average of at least 2.75 at the end of the semester in which the student has attempted a total of twenty-four (24) semester hours to receive a Tennessee HOPE scholarship award and a General Assembly Merit Scholar supplemental award for the next academic year. To continue to receive the General Assembly Merit Scholarship, the student shall continue to meet all eligibility requirements for a Tennessee HOPE scholarship, except that there shall be no limitation on the student's adjusted gross income, and meet the continuation requirements of § 49-4-911. No retroactive award of a General Assembly Merit Scholarship shall be made under this subsection.

(e) If a student receiving a General Assembly Merit Scholarship ceases to be eligible for the General Assembly Merit Scholarship at any time, the student shall not be able to regain either the Tennessee HOPE scholarship award or the General Assembly Merit Scholar supplemental award.

(f) A student who meets the requirements for a General Assembly Merit Scholarship shall receive a Tennessee HOPE scholarship award under § 49-4-914 and a General Assembly Merit Scholar supplemental award of one thousand dollars (\$1,000) for an academic year. Both the Tennessee HOPE scholarship award and the supplemental award are subject to the amounts appropriated by the General Assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of lottery games operated by the state.

§ 49-4-917. Students may receive either the supplemental award under § 49-4-915 or the supplemental award as a General Assembly Merit Scholar, but not both.

§ 49-4-918. (a) A student, who within two (2) years after the student graduates from high school, completes a home school program meeting all requirements of § 49-6-3050, or obtains a GED, enters the United States Armed Services prior to entering a postsecondary institution may apply for a Tennessee HOPE scholarship within seven (7) years of the student's date of entry into military service; provided, however, that if the student is honorably discharged from military service before applying for a Tennessee HOPE scholarship, then the student shall apply for a scholarship within one (1) year of the date of honorable discharge or within seven (7) years of the student's date of entry into military service, whichever occurs first.

(b) Such student may apply as an entering freshman, if the student graduated from an eligible high school and the student meets all requirements of § 49-4-907, except that the student need not meet the requirement of applying for the scholarship and filing a FAFSA in the senior year of high school.

(c) All other students applying under this section shall meet the requirements of § 49-4-908, except the requirement of enrolling in a postsecondary institution within six (6) months of completing a home school program, obtaining a GED, or graduating from a high school located in Tennessee that is not an eligible high school. Such student shall be eligible for a retroactive award of a Tennessee HOPE scholarship for the freshman year.

(d) To continue to receive the scholarship, the student shall maintain satisfactory academic progress in accordance with the standards and practices used for federal Title IV programs by the institution at which the student is enrolled, shall continue to meet all eligibility requirements, shall reapply and file a FAFSA with TSAC each academic year, and shall meet the continuation requirements of § 49-4-911.

(e) This section shall not apply to any person who is dishonorably discharged from military service.

§ 49-4-919. A Tennessee HOPE scholarship student who has an approved medical or personal leave of absence from an eligible postsecondary institution may continue to receive the scholarship upon resuming education at an eligible

postsecondary institution so long as the student continues to meet all applicable eligibility requirements. Such student shall be eligible for the scholarship until the first of the following events:

- (1) The student has earned a baccalaureate degree;
- (2) The student has attempted at any postsecondary institution a total of one hundred twenty (120) semester hours, or if the student is enrolled in an undergraduate degree program required to be more than one hundred twenty (120) semester hours in length, one hundred thirty-six (136) semester hours; or
- (3) The sum of the number of years the student attended a postsecondary institution prior to the leave of absence and the number of years of attendance after the leave of absence equals five (5) years.

§ 49-4-920. (a) To be eligible for a Wilder-Naifeh technical skills grant, a student seeking a diploma or certificate at a Tennessee Technology Center operated by the board of regents of the state university and community college system shall:

- (1) Meet the requirements of §§ 49-4-904 and 49-4-905(a);
- (2) Be admitted to the institution in a program of study leading to a certificate or diploma; and
- (3) Have not, at any time, been the recipient of a Tennessee HOPE scholarship.

(b) No minimum number of hours of enrollment is required for eligibility for a Wilder-Naifeh technical skills grant under this section, but a student receiving a grant shall maintain satisfactory academic progress in accordance with the standards and practices used for federal Title IV programs by the institution at which the student is enrolled to continue the grant. If a student fails to maintain satisfactory academic progress, then the student shall lose the Wilder-Naifeh technical skills grant. Once a student loses a Wilder-Naifeh technical skills grant, no additional award under this section shall be made.

(c) Until receipt of the certificate or diploma, a student shall reapply each academic year for the Wilder-Naifeh technical skills grant and file a FAFSA with TSAC.

(d) An eligible student may receive a Wilder-Naifeh technical skills grant for all course work required by the institution for a program of study leading to a certificate or diploma. Wilder-Naifeh technical skills grants may not be used for continuing education courses.

(e) Subject to the amounts appropriated by the General Assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of lottery games operated by the state, a Wilder-Naifeh technical skills grant awarded under this section shall be fifteen hundred

dollars (\$1,500) for an academic year or tuition and mandatory fees for attendance in the program of study for the academic year, whichever is less.

(f) No student shall be eligible for more than one (1) Wilder-Naifeh technical skills grant.

§ 49-4-921. The award of a Tennessee HOPE scholarship or Wilder-Naifeh technical skills grant in combination with financial aid from all other sources shall not exceed the institutionally defined total cost of education at the eligible postsecondary institution the scholarship recipient is attending.

§ 49-4-922. Scholarships or grants to be awarded under this part shall not commence prior to the fall semester of 2004.

§ 49-4-923. (a) TSAC is authorized to promulgate rules and regulations to establish deadlines for applications, appeal procedures for the denial or revocation of scholarships and grants, and otherwise effectuate the purposes of this part. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act compiled at Title 4, Chapter 5.

(b) THEC is authorized to promulgate rules and regulations to effectuate the purposes of this part. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act compiled at Title 4, Chapter 5.

(c) Costs incurred by TSAC and THEC in administering the educational programs created under this part, which provide financial assistance to enable citizens of this state to attend postsecondary educational institutions, shall be funded from the lottery for education account as part of such programs.

SECTION 2. The provisions of this act providing for postsecondary financial assistance from the net proceeds of lottery games operated by the state shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Fowler moved that Amendment No. 1 go to the table, which motion failed by the following vote:

Ayes 11
Noes 18

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Senators voting aye were: Atchley, Bryson, Burchett, Clabough, Crowe, Fowler, Miller, Norris, Person, Ramsey and Southerland--11.

Senators voting no were: Beavers, Burks, Cooper, Crutchfield, Dixon, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Trail and Williams--18.

On motion, Amendment No. 1 failed by the following vote:

Ayes 13
Noes 17

Senators voting aye were: Burks, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Kilby, Kurita and Trail--13.

Senators voting no were: Atchley, Beavers, Bryson, Burchett, Clabough, Crowe, Fowler, Jackson, Ketron, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland and Williams--17.

Senator McNally moved that Amendment No. 2 be placed behind Amendment No. 4, which motion prevailed.

Senator Henry moved that Amendment No. 3 be withdrawn, which motion prevailed.

Senator Cohen moved to amend as follows:

AMENDMENT NO. 4

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 4, is amended by adding the following as a new part:

§ 49-4-901. (a) Net proceeds of lottery games conducted by the state shall be used exclusively for the purposes set out in Article XI, Section 5 of the Constitution of Tennessee and the provisions of this act. Such net proceeds shall be used to supplement, not supplant, existing resources for educational purposes, projects and programs.

(b) It is the intent of the General Assembly that if there exist net proceeds of lottery games conducted by the state in excess of those allocated to provide financial assistance to citizens of this state to enable such citizens to attend postsecondary educational institutions located in Tennessee, then such excess net proceeds shall be allocated first to early learning programs.

(c)(1) It is further the intent of the General Assembly that the scholarship and grant programs established under this part shall not create an entitlement to financial assistance to enable attendance at a postsecondary institution for any student. In the event net proceeds from lottery revenues are insufficient to fund fully the scholarships and grants created by this part, then the Tennessee student assistance corporation (hereinafter referred to as "TSAC") is authorized, in consultation with the state funding board, to review and reduce the amounts to be awarded for such scholarships and grants pro rata.

(2) At the time a student is notified of the receipt of a scholarship or grant, the notice shall contain the following language in a size of type larger than the notice itself:

Continued funding for this program from the net proceeds of the state's lottery is dependent on the amount of net lottery proceeds available from year-to-year. The legislature is not obligated to appropriate funds to maintain the current scholarship or grant amount in the event of a change in the net lottery proceeds available.

§ 49-4-902. (a) The scholarship and grant programs established by this part shall be administered by TSAC, which shall be responsible for determination of eligibility of students and for the distribution of funds appropriated by the General Assembly for scholarship and grants awarded under the program.

(b) The Tennessee Higher Education Commission (hereinafter referred to as "THEC") shall provide assistance to the General Assembly and to TSAC by researching and analyzing data concerning the scholarship and grant programs created under this part, including, but not limited to, student success and scholarship retention. THEC shall report its findings annually to the education committee of the Senate and the education committee of the House of Representatives before the second Tuesday in January.

(c) Postsecondary educational institutions that enroll students receiving scholarships or grants under this part shall provide all information required by TSAC and THEC that is necessary for administering, reviewing, and evaluating such programs. TSAC and THEC may choose to collect data from higher education institutions or through the University of Tennessee system, board of regents, or the Tennessee Independent Colleges and Universities Association (hereinafter referred to as "TICUA"). TSAC and THEC shall maintain confidentiality of individual student records in accordance with the Family Educational Right to Privacy Act.

§ 49-4-903. As used in this part, unless the context otherwise requires:

(1) "Academic year" means a period of time, typically nine (9) months, in which a full-time student is expected to complete the equivalent of at least two (2) semesters of academic work.

(2) "ACT" means the ACT assessment administered by ACT.

(3) "Certificate" or "diploma" means a credential, other than a degree, the receipt of which indicates satisfactory completion of training in a program of study offered by a Tennessee Technology Center operated by the board of regents of the state university and community college system.

(4) "College core curriculum" means the high school courses in the curriculum approved by the state board of education for those students intending to enter pursue postsecondary education.

(5) "Eligible high school" means:

(A) A Tennessee public secondary school; or

(B) A private secondary school that is located in Tennessee and is accredited by the Southern Association of Colleges and Schools.

(6) "Eligible postsecondary institution" means an eligible independent postsecondary institution or an eligible public postsecondary institution.

(7) "Eligible independent postsecondary institution" means:

(A) An institution created by testamentary trust for which the state acts by statute as trustee and for which the Governor is authorized to appoint commissioners with the advice and consent of the Senate and that offers courses leading to undergraduate degrees; or

(B) A Southern Association of Colleges and Schools accredited private postsecondary institution that is located in Tennessee.

(8) "Eligible public postsecondary institution" means:

(A) An institution operated by the board of regents of the state university and community college system; or

(B) An institution in the University of Tennessee system;

(9) "FAFSA" means the Free Application for Federal Student Aid.

(10) "Freshman student" means a student at a postsecondary institution who is in the first two (2) semesters of full-time attendance.

(11) "Full-time student" means a student attending a postsecondary educational institution and enrolled for at least twelve (12) semester hours during each semester of attendance.

(12) "GED" means a general educational development credential awarded by a state-approved institution or organization.

(13) "Grade point average" means the numbered grade average calculated using a 4.0 scale.

(14) "Mandatory fees" means fees that are charged by a postsecondary institution to every student enrolled in that institution, regardless of the student's program of study.

(15) "Regional accrediting association" means:

(A) The Southern Association of Colleges and Schools;

(B) The New England Association of Schools and Colleges;

- (C) The Middle States Association of Colleges and Schools;
- (D) The North Central Association of Colleges and Schools;
- (E) The Northwestern Association of Schools and Colleges; or
- (F) The Western Association of Schools and Colleges.

(16) "SAT" means the Scholastic Aptitude Test administered by the College Board.

(17) "Semester hour" means the credit hour used by a postsecondary institution, if the institution is on a semester system, or its equivalent, if the institution is on a system other than a semester system. "Semester hour" includes each semester hour attempted, whether remedial or for credit toward a degree, but shall not include any semester hour attempted before graduating from high school or earning a GED.

(18) "Tennessee HOPE scholarship" means a scholarship for study in pursuit of an associate or baccalaureate degree at an eligible postsecondary institution that is funded from net proceeds of lottery games conducted by the state and awarded under this part.

(19) "Title IV" means Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C.A. § 1070, et seq.

(20) "Unweighted grade point average" means grade point average on 4.0 scale calculated without additional points awarded for advanced placement, honors, or other similar courses.

(21) "Wilder-Naifeh technical skills grant" means a grant for study in pursuit of a certificate or diploma at a Tennessee Technology Center operated by the board of regents of the state university and community college system that is funded from net proceeds of lottery games conducted by the state and awarded under this part.

§ 49-4-904. A student is ineligible for any scholarship or grant described in this part if the student:

- (1) Is not a Tennessee citizen;
- (2) Has not complied with United States Selective Service System requirements for registration, if such requirements are applicable to the student;
- (3) Is in default on a federal Title IV educational loan or Tennessee educational loan;
- (4) Owes a refund on a federal Title IV student financial aid program or a Tennessee student financial aid program;

(5) Is not in compliance with federal drug-free rules and laws for receiving financial assistance;

(6) Is incarcerated; or

(7) Does not meet each qualification relating to the relevant scholarship or grant and applicable to the student.

§ 49-4-905. (a) To be eligible for a Tennessee HOPE scholarship or a Wilder-Naifeh technical skills grant, a student shall:

(1) Meet Tennessee residency requirements as defined by the regulations promulgated by the board of regents under § 49-8-104 or by the University of Tennessee board of trustees under § 49-9-105;

(2) Have been a Tennessee resident for one (1) year immediately preceding the date of application for a scholarship or grant or the renewal of a scholarship or grant;

(3) Have made application for a Tennessee HOPE scholarship or Wilder-Naifeh technical skills grant; and

(4) Have filed a FAFSA with TSAC.

(b) To be eligible for a Tennessee HOPE scholarship, a student shall have graduated from high school, completed a home school program meeting all requirements of § 49-6-3050, or obtained a GED after January 1, 2003. The provisions of this subsection shall not apply to those students applying for Wilder-Naifeh technical skills grants.

§ 49-4-906. To be eligible for a Tennessee HOPE scholarship as an entering freshman seeking an associate or baccalaureate degree at an eligible postsecondary institution, a student shall:

(1) Meet the requirements of §§ 49-4-904 and 49-4-905;

(2) Apply for a Tennessee HOPE scholarship and file a FAFSA in the senior year of high school;

(3) Graduate from an eligible high school after January 1, 2004, upon having completed curriculum requirements of the high school for graduation;

(4) Achieve a final overall unweighted high school grade point average of at least 3.0;

(5) Achieve a final unweighted grade point average of at least 3.0 or a numerical average of at least 80 in the college core curriculum. Such grade point average or numerical average shall be calculated using all college core courses taken by the student; and

(6) Attain a composite ACT score of 19 on any single ACT test date or a combined SAT score of 890 on any single SAT test date.

§ 49-4-907. (a) To be eligible for a Tennessee HOPE scholarship, a student, who completed a home school program meeting all requirements of § 49-6-3050 after January 1, 2004, who obtained a GED after January 1, 2004, or who graduated from a high school located in Tennessee that is not an eligible high school after January 1, 2004, shall:

(1) Meet the requirements of §§ 49-4-904 and 49-4-905;

(2) Attain either:

(A) A composite ACT score of 19 on any single ACT test date or a combined SAT score of 890 on any single SAT test date in the case of home school students or graduates of non-eligible high schools; or

(B) A composite ACT score of 23 on any single ACT test date or a combined SAT score of 1060 on any single SAT test date in the case of students who obtain a GED; and

(3) Enroll in an eligible postsecondary institution within six (6) months of completing a home school program, obtaining a GED, or graduating from high school;

(4) Attend the eligible postsecondary institution full-time for two (2) semesters without a Tennessee HOPE scholarship;

(5) Maintain satisfactory progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student enrolled; and

(6) Achieve a cumulative grade point average of 3.0 at the end of the semester in which the student has attempted a total of twenty-four (24) semester hours.

(b) Such student shall be eligible to receive a retroactive Tennessee HOPE scholarship for such student's freshman year to be paid at the end of the freshman year.

§ 49-4-908. (a) To be eligible for a Tennessee HOPE scholarship, a student, who graduated from high school after January 1, 2003, who completed a home school program meeting all requirements of § 49-6-3050 after January 1, 2003, or who obtained a GED after January 1, 2003, shall:

(1) Meet the requirements of §§ 49-4-904 and 49-4-905;

(2) Attend without a Tennessee HOPE scholarship an eligible postsecondary institution or a postsecondary institution located outside of

Tennessee that is accredited by a regional accrediting association full-time for at least one academic year;

(3) Maintain satisfactory progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student enrolled; and

(4) Achieve the cumulative grade point average that is required under § 49-4-910 for continuation of a Tennessee HOPE scholarship for the total number of semester hours that the student has attempted at any postsecondary institution attended.

(b) No retroactive award of a Tennessee HOPE scholarship shall be made under this section.

§ 49-4-909. A student who receives a Tennessee HOPE scholarship and attends an eligible postsecondary institution may transfer to another eligible postsecondary institution without loss of the scholarship; provided, that the student continues to meet all requirements for such scholarship. The scholarship award shall be the award applicable to the eligible postsecondary institution to which the student transferred.

§ 49-4-910. (a) To continue to receive a Tennessee HOPE scholarship, a student at an eligible postsecondary institution shall continue to meet all applicable requirements for the scholarship and shall reapply and file a FAFSA with TSAC upon attempting twenty-four (24), forty-eight (48), seventy-two (72), or ninety-six (96) semester hours. At the end of semester in which the student has attempted a total of twenty-four (24) semester hours, the student shall have achieved a cumulative grade point average of at least 3.0 to continue to receive the Tennessee HOPE scholarship. Eligibility for the Tennessee HOPE scholarship shall also be reviewed at the end of the semester in which a student has attempted a total of forty-eight (48), seventy-two (72), or ninety-six (96) semester hours. At the end of the semester in which the student has attempted a total of forty-eight (48), seventy-two (72), or ninety-six (96) semester hours, the student shall achieve a cumulative grade point average of at least 3.0 to continue to receive the scholarship for the following academic year.

(b) If a student ceases to be eligible for a Tennessee HOPE scholarship at any time for any reason, then the student shall not be able to regain the Tennessee HOPE scholarship.

§ 49-4-911. (a) The receipt of a Tennessee HOPE scholarship is contingent upon admission to an eligible postsecondary institution. The receipt of a Tennessee HOPE scholarship does not guarantee admission to an eligible postsecondary institution.

(b) Tennessee HOPE scholarship students shall be enrolled as full-time students at an eligible postsecondary institution.

§ 49-4-912. (a) Except as set forth in subsection (b) of this section and §§ 49-4-917 and 49-4-918, a student may receive a Tennessee HOPE scholarship until the first of the following events:

(1) The student has earned a baccalaureate degree;

(2) The student has attempted at any postsecondary institution a total one hundred twenty (120) semester hours; or

(3) Five (5) years from the date of the student's initial enrollment at any postsecondary institution have passed.

(b) A student enrolled in an undergraduate degree program required to be more than one hundred twenty (120) semester hours in length is eligible to receive a Tennessee HOPE scholarship until the first of the following events:

(1) The student has earned a baccalaureate degree;

(2) The student has attempted at any postsecondary institution a total of one hundred thirty-six (136) semester hours; or

(3) Six (6) years from the date of the student's initial enrollment at any postsecondary institution have passed.

§ 49-4-913. (a) Subject to the amounts appropriated by the General Assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of lottery games operated by the state, a Tennessee HOPE scholarship awarded to a student attending an eligible four-year public or private residential postsecondary institution shall be four thousand dollars (\$4,000) for an academic year or tuition and mandatory fees for an academic year, whichever is less.

(b) Subject to the amounts appropriated by the General Assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of lottery games operated by the state, a Tennessee HOPE scholarship awarded to a student attending an eligible public or private two-year postsecondary institution shall be two thousand dollars (\$2,000) for an academic year or tuition and mandatory fees for an academic year, whichever is less.

§ 49-4-914. (a) A student, who within two (2) years after the student graduates from high school, completes a home school program meeting all requirements of § 49-6-3050, or obtains a GED, enters the United States Armed Services prior to entering a postsecondary institution may apply for a Tennessee HOPE scholarship within seven (7) years of the student's date of entry into military service; provided, however, that if the student is honorably discharged from military service before applying for a Tennessee HOPE scholarship, then the student shall apply for a scholarship within one (1) year of the date of honorable discharge or within seven (7) years of the student's date of entry into military service, whichever occurs first.

(b) Such student may apply as an entering freshman, if the student graduated from an eligible high school and the student meets all requirements of § 49-4-906, except that the student need not meet the requirement of applying for the scholarship and filing a FAFSA in the senior year of high school.

(c) All other students applying under this section shall meet the requirements of § 49-4-907, except the requirement of enrolling in a postsecondary institution within six (6) months of completing a home school program, obtaining a GED, or graduating from a high school located in Tennessee that is not an eligible high school. Such student shall be eligible for a retroactive award of a Tennessee HOPE scholarship for the freshman year.

(d) To continue to receive the scholarship, the student shall maintain satisfactory academic progress in accordance with the standards and practices used for federal Title IV programs by the institution at which the student is enrolled, shall continue to meet all eligibility requirements, shall reapply and file a FAFSA with TSAC each academic year, and shall meet the continuation requirements of § 49-4-910.

(e) This section shall not apply to any person who is dishonorably discharged from military service.

§ 49-4-915. A Tennessee HOPE scholarship student who has an approved medical or personal leave of absence from an eligible postsecondary institution may continue to receive the scholarship upon resuming education at an eligible postsecondary institution so long as the student continues to meet all applicable eligibility requirements. Such student shall be eligible for the scholarship until the first of the following events:

(1) The student has earned a baccalaureate degree;

(2) The student has attempted at any postsecondary institution a total of one hundred twenty (120) semester hours, or if the student is enrolled in an undergraduate degree program required to be more than one hundred twenty (120) semester hours in length, one hundred thirty-six (136) semester hours; or

(3) The sum of the number of years the student attended a postsecondary institution prior to the leave of absence and the number of years of attendance after the leave of absence equals five (5) years.

§ 49-4-916. (a) To be eligible for a Wilder-Naifeh technical skills grant, a student seeking a diploma or certificate at a Tennessee Technology Center operated by the board of regents of the state university and community college system shall:

(1) Meet the requirements of §§ 49-4-904 and 49-4-905(a);

(2) Be admitted to the institution in a program of study leading to a certificate or diploma; and

(3) Have not, at any time, been the recipient of a Tennessee HOPE scholarship.

(b) No minimum number of hours of enrollment is required for eligibility for a Wilder-Naifeh technical skills grant under this section, but a student receiving a grant shall maintain satisfactory academic progress in accordance with the standards and practices used for federal Title IV programs by the institution at which the student is

enrolled to continue the grant. If a student fails to maintain satisfactory academic progress, then the student shall lose the Wilder-Naifeh technical skills grant. Once a student loses a Wilder-Naifeh technical skills grant, no additional award under this section shall be made.

(c) Until receipt of the certificate or diploma, a student shall reapply each academic year for the Wilder-Naifeh technical skills grant and file a FAFSA with TSAC.

(d) An eligible student may receive a Wilder-Naifeh technical skills grant for all course work required by the institution for a program of study leading to a certificate or diploma. Wilder-Naifeh technical skills grants may not be used for continuing education courses.

(e) Subject to the amounts appropriated by the General Assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of lottery games operated by the state, a Wilder-Naifeh technical skills grant awarded under this section shall be fifteen hundred dollars (\$1,500) for an academic year or tuition and mandatory fees for attendance in the program of study for the academic year, whichever is less.

(f) No student shall be eligible for more than one (1) Wilder-Naifeh technical skills grant.

§ 49-4-917. The award of a Tennessee HOPE scholarship or Wilder-Naifeh technical skills grant in combination with financial aid from all other sources shall not exceed the institutionally defined total cost of education at the eligible postsecondary institution the scholarship recipient is attending.

§ 49-4-918. Scholarships or grants to be awarded under this part shall not commence prior to the fall semester of 2004.

§ 49-4-919. (a) TSAC is authorized to promulgate rules and regulations to establish deadlines for applications, appeal procedures for the denial or revocation of scholarships and grants, and otherwise effectuate the purposes of this part. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act compiled at Title 4, Chapter 5.

(b) THEC is authorized to promulgate rules and regulations to effectuate the purposes of this part. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act compiled at Title 4, Chapter 5.

(c) Costs incurred by TSAC and THEC in administering the educational programs created under this part, which provide financial assistance to enable citizens of this state to attend postsecondary educational institutions, shall be funded from unclaimed lottery prize money as part of such programs.

§ 49-4-920. Any merit scholarships which are offered or become available under the provisions of this part shall be known as "General Assembly Merit Scholarships".

SECTION 2. Tennessee Code Annotated, Section 49-6-101, is amended by deleting present subsection (f) and substituting the following:

(f)(1) Through a system of competitive grants and technical assistance provided as funding is available, the Department of Education may establish, administer and monitor programs of community-based early childhood education and pre-kindergarten programs. Such programs shall be designed to address comprehensively the educational needs, including cognitive, physical, social and emotional, of children who are not otherwise eligible for similar programs or who do not have access to such programs. The programs shall serve:

(A) Children who are four (4) years of age on or before September 30 and from families with incomes that meet the eligibility requirements for free and reduced lunch as determined pursuant to 42 U.S.C. § 1771; and,

(B) Subject to availability of space and resources:

(i) children who are three (3) and four (4) years of age and who are screened and identified as educationally at-risk, determined pursuant to 20 U.S.C. § 1400 et seq.;

(ii) children who are three (3) and four (4) years of age who have been in the Tennessee Early Intervention Program (TEIS) and/or Even Start program; and

(iii) children three (3) years of age and from families with incomes that meet the eligibility requirements for free and reduced lunch as determined pursuant to 42 U.S.C. § 1771.

Enrollment in the program shall be voluntary.

(2) Any public or not-for-profit agency, meeting the criteria for 501(c)(3) tax exempt status, with experience serving children and in good fiscal standing, is eligible to contract with the Department of Education to perform the delivery of educational services in compliance with the rules promulgated and the policies adopted for early childhood education by the state board of education. All not-for-profit agencies, contracted to deliver the early childhood education and pre-kindergarten program, must demonstrate a collaborative agreement between the agency and the local education agency to enhance transition into the public schools, to monitor student performance outcomes as children are promoted through the elementary grade levels, and to evaluate early childhood education teachers for purposes of teacher licensure.

(3) The distribution of early childhood education and pre-kindergarten programs shall be developed in phases based on availability of funding and resources. Selection of early childhood education and pre-kindergarten program sites shall take into consideration the areas of greatest need which may be determined by, but not limited to:

(A) School service areas with high percentages of children from families with incomes that meet the eligibility requirements for free and reduced lunch as determined pursuant to 42 U.S.C. § 1771;

(B) Access to early childhood education and pre-kindergarten programs within the county; and/or

(C) Service areas of schools which have been determined to be "on notice or probation", as defined by Tennessee Code Annotated, Section 49-1-602.

(4) All early childhood education and pre-kindergarten programs established under this subsection shall be developed through a collaborative effort of the Departments of Education, Health, Children's Services, and Human Services, and shall build upon resources and services within the community. Efforts should be made by the interdepartmental group to inform eligible families about enrollment in the early childhood education and pre-kindergarten programs, to address the health and social needs of children, and to assist working families to meet extended day child care needs.

(5) All provisions of this subsection are subject to appropriation of funds for that purpose. No provision of this subsection shall be considered an entitlement to any service or program authorized by this subsection unless funds are appropriated for such purpose.

SECTION 3. The provisions of this act providing for postsecondary financial assistance from the net proceeds of lottery games operated by the state shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the General Appropriations Act.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 4

AMEND in amendatory Section 49-4-907(5) of Section 1 of the bill as amended by Senate Finance, Ways and Means Committee Amendment No. 1, by deleting the following language after the language "at least 3.0":

or a numerical average of at least 80

Pursuant to Rule 39(3), Amendment No. 1 to Amendment No. 4 was adopted by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

Senator Henry moved that Amendment No. 2 to Amendment No. 4 be withdrawn, which motion prevailed.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Person as Speaker pro tempore.

Senator Graves moved to amend as follows:

AMENDMENT NO. 3 TO AMENDMENT NO. 4

AMEND by deleting the sentence "At the end of semester in which the student has attempted a total of twenty-four (24) semester hours, the student shall have achieved a cumulative grade point average of at least 3.0 to continue to receive the Tennessee HOPE scholarship." from amendatory § 49-4-910(a) of Section 1 of the bill and by substituting instead the sentence "At the end of the semester in which the student has attempted a total of twenty-four (24) semester hours, the student shall have achieved a cumulative grade point average of at least 2.75 to continue to receive the Tennessee HOPE scholarship."

MR. SPEAKER WILDER RESUMES CHAIR

Mr. Speaker Wilder resumed the Chair.

Senator Cohen moved for the previous question on Amendment No. 3 to Amendment No. 4 on Senate Bill No. 437, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

Pursuant to Rule 39(3), Amendment No. 3 to Amendment No. 4 was adopted by the following vote:

Ayes 24
Noes 8
Present, not voting . . . 1

Senators voting aye were: Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--24.

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Senators voting no were: Atchley, Beavers, Bryson, Burchett, Fowler, Ketron, Norris and Person--8.

Senator present and not voting was: Henry--1.

Senator Graves moved to amend as follows:

AMENDMENT NO. 4 TO AMENDMENT NO. 4

AMEND by adding the following language at the end of the amendatory language of Section 1 of the bill:

§ 49-4-921. A student receiving a Tennessee HOPE scholarship whose adjusted gross income does not exceed thirty-six thousand dollars (\$36,000) shall receive the Tennessee HOPE scholarship award and a supplemental award of one thousand dollars (\$1,000) for each academic year. The student's adjusted gross income shall be reviewed each academic year to determine continuing eligibility for the supplemental award. Both the Tennessee HOPE scholarship and the supplemental award are subject to the amounts appropriated by the General Assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of lottery games operated by the state.

Pursuant to Rule 39(3), Amendment No. 4 to Amendment No. 4 was adopted by the following vote:

Ayes 25
Noes 8

Senators voting aye were: Bryson, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Trail, Williams and Mr. Speaker Wilder--25.

Senators voting no were: Atchley, Beavers, Burchett, Fowler, Norris, Person, Ramsey and Southerland--8.

Senator Cohen moved to amend as follows:

AMENDMENT NO. 5 TO AMENDMENT NO. 4

AMEND by deleting the language "unclaimed lottery prize money" from amendatory § 49-4-919 of Section 1 and by substituting instead the language "the lottery for education account".

Pursuant to Rule 39(3), Amendment No. 5 to Amendment No. 4 was adopted by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson,

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Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

Senator Ramsey moved to amend as follows:

AMENDMENT NO. 6 TO AMENDMENT NO. 4

AMEND by deleting the language "3.0" from amendatory § 49-4-907(a)(6) of Section 1 and by substituting instead the language "2.75".

Pursuant to Rule 39(3), Amendment No. 6 to Amendment No. 4 was adopted by the following vote:

| | |
|------------|----|
| Ayes | 33 |
| Noes | 0 |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

On motion, Amendment No. 4, as amended, was adopted by the following vote:

| | |
|------------|----|
| Ayes | 33 |
| Noes | 0 |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

Senator McNally moved that Amendment No. 2 be placed at the heel of the amendments, which motion prevailed.

Senator Kyle moved to amend as follows:

AMENDMENT NO. 5

AMEND by adding the following language at the end of the amendatory language of Section 1 of the bill:

§ 49-4-920. (a) Net lottery proceeds remaining after funding Tennessee HOPE scholarships, Wilder-Naifeh technical skills grants, and early learning programs for fiscal years 2004-2005, 2005-2006, and 2006-2007 shall be used to provide financial assistance to students who are attending eligible postsecondary institutions in academic years 2004-2005, 2005-2006, and 2006-2007, but who are not eligible for Tennessee HOPE scholarships because such students graduated from high school, completed a home school program, or obtained a GED prior to January 2, 2003. To be eligible for such financial assistance for academic year 2004-2005, a student shall:

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(1) Have graduated from a Tennessee high school after January 1, 2001; completed a home school program after January 1, 2001; or obtained a GED after January 1, 2001;

(2) Have enrolled full-time in an eligible postsecondary institution within six (6) months of graduating from high school, completing a home school program, or obtaining a GED;

(3) Have completed at least seventy-two (72) semester hours of credit at eligible postsecondary institutions, if the student graduated after January 1, 2001, but prior to January 1, 2002; and at least forty-eight (48) semester hours of credit at eligible postsecondary institutions, if the student graduated after December 31, 2001, but prior to January 2, 2003;

(4) Have maintained satisfactory progress in a course of study in accordance with standards and practices used for federal Title IV programs by the eligible postsecondary institutions that the student has attended;

(5) Have achieved the cumulative grade point average that is required under § 49-4-910 for continuation of a Tennessee HOPE scholarship for the total semester hours that the student has attempted at any postsecondary institution attended;

(6) Meet all requirements of §§ 49-4-904 and 49-4-905(a); and

(7) Apply for such assistance for academic year 2004-2005 and file a FAFSA with TSAC.

(b) To continue to receive such financial assistance for academic year 2005-2006 or for academic year 2006-2007, a student shall:

(1) Continue to meet all applicable requirements for eligibility;

(2) Meet the requirements under § 49-4-910 for continuation of a Tennessee HOPE scholarship; and

(3) Reapply and file a FAFSA with TSAC at the end of any semester in which the student's eligibility is reviewed.

(c) A student may receive such financial assistance until the first of the following events:

(1) The student has earned a baccalaureate degree;

(2) The student has attempted at any postsecondary institution a total of one hundred twenty (120) semester hours, or one hundred thirty-six (136) semester hours, if the student is enrolled in an undergraduate degree program required to be more than one hundred twenty (120) semester hours in length; or

(3) The end of the spring semester of 2007.

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(d) Eligibility for receipt of financial assistance under this section is contingent upon admission to and full-time enrollment at an eligible postsecondary institution.

(e) If a student ceases to be eligible for financial assistance under this section at any time for any reason, then the student shall not be able to regain such financial assistance.

(f) No financial assistance under this section shall be retroactively awarded.

(g) TSAC and THEC shall recommend for each fiscal year the amount of such financial assistance based on the estimated net lottery proceeds remaining after funding Tennessee HOPE scholarships, Wilder-Naifeh technical skills grants, and early learning programs in fiscal years 2004-2005, 2005-2006, 2006-2007. The amount of such assistance shall not exceed the amount of the Tennessee HOPE scholarship awarded to students attending the eligible postsecondary institution at which such student is enrolled.

(h) It is the intent of the General Assembly that the financial assistance established under this section shall not create entitlement to such financial assistance to enable attendance at a postsecondary institution for any student.

(i) The provisions of this section shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this section unless such funds are specifically appropriated by the General Appropriations Act.

Senator Cohen moved that Amendment No. 5 go to the table, which motion prevailed by the following vote:

| | |
|---------------------------|----|
| Ayes | 22 |
| Noes | 9 |
| Present, not voting . . . | 1 |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Ford, Fowler, Graves, Haynes, Jackson, Kurita, McLeary, McNally, Norris, Person, Ramsey, Southerland and Mr. Speaker Wilder--22.

Senators voting no were: Crutchfield, Dixon, Harper, Henry, Herron, Ketron, Kyle, Trail and Williams--9.

Senator present and not voting was: Miller--1.

Senator Cohen moved that Amendment No. 6 be withdrawn, which motion prevailed.

Senator Crutchfield moved that Amendment No. 7 be withdrawn, which motion prevailed.

Senator Cohen moved to amend as follows:

AMENDMENT NO. 8

AMEND by deleting Section 5, the effective date section, of the bill and by substituting instead the following:

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SECTION 5. (a) Section 2 of this act shall take effect July 1, 2004, the public welfare requiring it.

(b) All other sections of this act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted by the following vote:

| | |
|----------------|----|
| Ayes | 32 |
| Noes | 0 |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

Senator Graves moved that Amendment No. 9 be withdrawn, which motion prevailed.

Senator Graves moved that Amendment No. 10 be withdrawn, which motion prevailed.

Senator Graves moved that Amendment No. 11 be withdrawn, which motion prevailed.

Senator Graves moved to amend as follows:

AMENDMENT NO. 12

AMEND by deleting the language "four thousand dollars (\$4,000)" from amendatory § 49-4-913(a) of Section 1 of the bill and by substituting instead the language "three thousand five hundred dollars (\$3,500)".

On motion, Amendment No. 12 failed by the following vote:

| | |
|----------------|----|
| Ayes | 6 |
| Noes | 24 |

Senators voting aye were: Dixon, Graves, Harper, Herron, McNally and Trail--6.

Senators voting no were: Atchley, Beavers, Bryson, Burchett, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Henry, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Norris, Person, Ramsey, Southerland and Williams--24.

Senator Cohen moved to amend as follows:

AMENDMENT NO. 13

AMEND by adding the following language at the end of the amendatory language of Section 1 of the bill as amended:

§ 49-4-924. Any eligible independent postsecondary institution enrolling a student who is the recipient of a Tennessee HOPE scholarship shall admit students without regard to race, creed, color, religion, sex, national origin, ancestry, ethnic background, or disability.

Pursuant to Rule 39(3), Amendment No. 13 was adopted by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

Senator Harper moved to amend as follows:

AMENDMENT NO. 14

AMEND by deleting items (4) and (5) from amendatory § 49-4-906 of Section 1 of the bill as amended by Senate Finance, Ways and Means Committee Amendment No. 2, and by substituting instead the following language:

(4) Achieve a final overall unweighted high school grade point average of at least 2.5;

(5) Achieve a final unweighted grade point average of at least 2.5 or a numerical average of at least 80 in the college core curriculum. Such grade point average or numerical average shall be calculated using all college core courses taken by the student; and

AND FURTHER AMEND by deleting the sentence "At the end of semester in which the student has attempted a total of twenty-four (24) semester hours, the student shall have achieved a cumulative grade point average of at least 3.0 to continue to receive the Tennessee HOPE scholarship." from amendatory § 49-4-910(a) of Section 1 of the bill and by substituting instead the sentence "At the end of the semester in which the student has attempted a total of twenty-four (24) semester hours, the student shall have achieved a cumulative grade point average of at least 2.8 to continue to receive the Tennessee HOPE scholarship."

Senator Harper moved that Amendment No. 14 go to the table, which motion prevailed.

Senator Jackson moved that Amendment No. 15 be withdrawn, which motion prevailed.

Senator Jackson moved that Amendment No. 16 be withdrawn, which motion prevailed.

Senator Jackson moved to amend as follows:

AMENDMENT NO. 17

AMEND by adding the following language at the end of the amendatory language of Section 1 of the bill:

Section 49-4-9___. Notwithstanding any provision of this part to the contrary, a legal dependent of a member of the armed services who is eligible for waiver of tuition under Section 49-7-102 or a legal dependent of a member of the armed services whose parent was killed, died as a direct result of injuries received, or has been officially reported as being either a prisoner of war or missing in action or was totally disabled from a service-connected, combat-related cause as defined by the United States veterans administration while serving

honorably during the War with Iraq that began in 2003 as defined by presidential proclamation or federal law shall be eligible for a Tennessee HOPE scholarship, if the student meets the requirements of Sections 49-4-904 and 49-4-905(a). If such student attends an eligible public postsecondary institution and receives a waiver of tuition and fees under Section 49-7-102, then, notwithstanding any provision of this part to the contrary, such scholarship may be used for the costs of room and board, which shall not exceed the maximum cost of room and board provided through the facilities of the eligible postsecondary institution.

Pursuant to Rule 39(3), Amendment No. 17 was adopted by the following vote:

| | |
|------------|----|
| Ayes | 25 |
| Noes | 5 |

Senators voting aye were: Beavers, Burchett, Burks, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail and Williams--25.

Senators voting no were: Atchley, Bryson, Clabough, Ford and Haynes--5.

Senator McNally moved that Amendment No. 2 be withdrawn, which motion prevailed.

Thereupon, **Senate Bill No. 437**, as amended, passed its third and final consideration by the following vote:

| | |
|---------------------------|----|
| Ayes | 28 |
| Noes | 4 |
| Present, not voting . . . | 1 |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Haynes, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

Senators voting no were: Burks, Dixon, Harper and Herron--4.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

Senator Cohen moved that **Senate Bill No. 1** be placed on the calendar for Wednesday, April 23, 2003, which motion prevailed.

MOTION

On motion of Senator Henry, his name was added as sponsor of **Senate Bills Nos. 1990 and 1993; and House Joint Resolutions Nos. 328 and 334.**

On motion of Senator Cooper, his name was added as prime sponsor of **Senate Bill No. 1718.**

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On motion of Senator Ford, his name was added as sponsor of **Senate Bill No. 281**.

On motion of Senators McLeary and Miller, their names were added as sponsors of **Senate Bill No. 437**.

On motion of Senators Atchley and Burchett, their names were added as sponsors of **House Joint Resolution No. 348**.

On motion of Senator Cohen, his name was added as sponsor of **House Joint Resolution No. 331**.

On motion, all Senators' names were added as sponsors of **House Joint Resolutions Nos. 325, 327 and 328; and Senate Joint Resolutions Nos. 210, 211 and 212**.

On motion of Senator Kilby, his name was added as prime sponsor of **Senate Bill No. 1834**.

On motion of Senator Haynes, his name was removed as sponsor of **Senate Bill No. 1834**.

On motion of Senator Ramsey, his name was added as sponsor of **House Joint Resolutions Nos. 380 and 381**.

On motion of Senator Burks, her name was added as sponsor of **House Joint Resolution No. 277; and Senate Bills Nos. 195, 840 and 878**.

On motion of Senator Kurita, her name was added as sponsor of **House Joint Resolutions Nos. 325, 328 and 337; and Senate Joint Resolutions Nos. 210, 211 and 212**.

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolutions Nos. 338 and 339**.

On motion of Senator Dixon, his name was added as sponsor of **House Joint Resolution No. 324; and Senate Joint Resolution No. 266**.

On motion of Senators Henry and Herron, their names were added as sponsors of **House Joint Resolutions Nos. 326 and 330**.

On motion of Senators Henry, Cohen, Herron and Dixon, their names were added as sponsors of **House Joint Resolution No. 331**.

On motion of Senators Kurita, Henry and Herron, their names were added as sponsors of **House Joint Resolution No. 332**.

On motion of Senators Henry, Herron and Dixon, their names were added as sponsors of **House Joint Resolution No. 333**.

On motion of Senator Williams, his name was added as sponsor of **Senate Bill No. 740; and Senate Joint Resolutions Nos. 274, 275, 276 and 277**.

On motion of Senator Haynes, his name was added as sponsor of **Senate Bill No. 328**.

ENGROSSED BILLS

April 21, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 116, 210, 211, 212, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 274, 275, 276 and 277; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 21, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 509, 882, 1115, 1279, 1689 and 1958; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 21, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 740, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 22, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 302, 1342, 1343, 1475, 1476, 1955 and 1975; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 22, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 437, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 21, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 189, 195, 508, 941, 950, 1468, 1581, 1783 and 1887; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 603 and 1930, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 740, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1114, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 470, 519, 564, 566, 843, 1211, 1274, 1397, 1453, 1481, 1514, 1523, 1635, 1677, 1784, 1945, 1970, 1994, 2000, 2091, 2095 and 2096; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1539 and 2014, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 22, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 63, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 32, 61, 387, 388, 389, 390, 391, 392, 393, 394, 395, 397, 398, 399 and 400; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

April 21, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 526, 708, 840, 1936 and 1980; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 21, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1373, 1747 and 1819; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 22, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 337, 338, 339, 340, 341, 344, 345, 346, 348, 380 and 381; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

April 21, 2003

The Speaker announced that he had signed the following: Senate Bills Nos. 526, 708, 840, 1936 and 1980; and House Bills Nos. 1373, 1747 and 1819.

SIGNED

April 22, 2003

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 337, 338, 339, 340, 341, 344, 345, 346, 348, 380 and 381.

MESSAGE FROM THE GOVERNOR

April 17, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 495 and 662; and Senate Joint Resolutions Nos. 82, 206, 207, 208, 209, 213, 215, 222, 223, 224, 225, 226, 227, 228, 229, 239 and 240; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

April 22, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 546, 774, 812, 1690 and 1938; and Senate Joint Resolution No. 148; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, April 23, 2003: House Joint Resolutions Nos. 342, 343, 349, 350, 351, 352, 353, 354, 355, 356, 357, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 376, 377, 378, 379, 382, 383, 384, 385, 386 and 396; Senate Joint Resolutions Nos. 278, 279, 280, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298 and 300; and Senate Resolutions Nos. 34, 35, 36, 37, 38, 39, 40, 41 and 42.

This the 21st day of April, 2003.
CROWE, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, April 23, 2003: Senate Bills Nos. 116, 166, 310, 311, 435, 783, 1088, 1098, 1199, 1312, 1493, 1531, 1562, 1923, 1932, 1940, 65 and 1621.

This the 21st day of April, 2003.
CROWE, Chairperson.

MONDAY, APRIL 21, 2003 -- 31ST LEGISLATIVE DAY

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 3:00 p.m., Wednesday, April 23, 2003, which motion prevailed.